

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31841 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- SUPAUL District- Supaul

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Bijendra Paswan, Son of Sri Prasad Paswan, R/O Village- Pipra Bazar Ward
No.-9, P.S.- Pipra, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhim Kumar Yadav, Advocate

For the Opposite Party/s : Mrs. Veena Rani Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-08-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Bhim Kumar Yadav, learned counsel for
the petitioner and learned APP for the State through video
conference.

The petitioner seeks regular bail, who is in custody in
connection with Supaul P.S. Case No. 13 of 2022 registered for
the offence punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016 and Amendment Act, 2018
and 2022.

As per prosecution case, it is alleged that the police on
a secret information that the petitioner is engaged in selling of
illicit liquor apprehended him and on search 3.300 litres of
Nepali Deshi liquor, kept in a carry bag, was recovered.



Learned counsel appearing on behalf of the petitioner submits that in fact nothing has been recovered from the person or possession of this petitioner and only on account of past criminal antecedent of the petitioner in similar kind of cases, his name has been implicated in this case. It is next submitted that apart from the other infirmities in the seizure list, there is no compliance of Section 100 of the Cr.P.C. The petitioner is in custody since 27.04.2022 and moreover the investigation of the crime is completed and charge-sheet has been submitted.

On the other hand learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner is in custody since 27.04.2022 and moreover the investigation of the crime is already completed and charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.-II, Supaul in connection with Supaul P.S. Case No. 13 of 2022, subject to the condition that one of the bailors will be the close relatives of the



petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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