

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33129 of 2022

Arising Out of PS. Case No.-174 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

AKHILESH PASWAN S/o Hari Charan Paswan R/o village- Hariharpur
Gurmiya, P.S.- Hajipur Town, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar
For the Opposite Party/s : Mrs.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Hajipur Town P.S. Case No. 174 of 2022 bearing PTN No.
BRVA01P0005852022 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

As per prosecution case, there is alleged recovery
of 100 litre illicit country made liquor from the hut of petitioner
and seeing the police team petitioner fled away from the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 11.03.2022 and bears no criminal



antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is innocent and he has falsely been implicated in this case at the instance of his enemies. No incriminating article has been recovered from conscious possession of the petitioner or from his house. Petitioner has no concern with the alleged seized liquor. Petitioner is not apprehended on the spot.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1 cum Additional Sessions Judge, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 174 of 2022 bearing PTN No. BRVA01P0005852022, subject to



following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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