

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42244 of 2021

Arising Out of PS. Case No.-20 Year-2021 Thana- MAHUA District- Vaishali

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Bijendra Paswan @ Prince Kumar S/O Tapeswar Paswan R/o village-
Mahua Mukundpur, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Bela Singh, Adv.

For the Opposite Party/s : Mr. H.A. Khan, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-01-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State through virtual court

proceeding.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks. In the eventuality of
non-removal of defects within undertaken period, the office will
place the matter before the Bench.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 30(a),
32(ii), 34(ii), 38(ii), 41(i) of the Bihar Prohibition and Excise
Act.

Altogether 151 liters of foreign liquor is said to have
been recovered from the hut which situates near the house of the
petitioner. It is alleged that petitioner and other accused persons
fled away from the spot.



Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner. He submits that similarly situated co-accused has been granted bail by this Court. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 25,000.00 (Rupees Twenty Five Thousand) in the Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road Patna, bearing Saving Account No. 35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

Considering the facts and circumstances of the case, the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mahua P.S. Case No. 20 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to the



conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who he is related with the petitioner. He will also undertake to inform the court if there is any change in the address of the petitioner.

(II) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposited the aforesaid amount in the Bihar Kishore Nyay Nidhi, Patna.

(Anjani Kumar Sharan, J)

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