

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45157 of 2021**

Arising Out of PS. Case No.-196 Year-2021 Thana- SHERGHATI District- Gaya

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Ashok Paswan S/o- Munna Paswan R/o Village- Bajitpur, Khurd, P.S.-  
Madanpur, District- Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr.Mukul Kumari, Advocate

For the Opposite Party/s : Mr.Madan Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      11-01-2022                      Heard the parties through the video conferencing.

Heard learned counsel appearing on behalf of the  
petitioner and the learned APP for the State.

Petitioner who is in custody since 2.4.2021 seeks  
regular bail in connection with G.R. No. 700 of 2021 arising out  
of Sherghati P.S. Case No. 196 of 2021 registered for the  
offence punishable under section 30(a) of Bihar Prohibition and  
Excise Act, 2018.

The prosecution case in brief is that on 01.04.2021, on  
confidential information, informant alongwith other armed  
forces reached near Mahabtapur and they saw the driver of the  
Wagonr Suzuki Car started fleeing away but he was  
apprehended and 100 liters of country made liquor was  
recovered from the dicky of the aforesaid car.



Learned counsel for the petitioner submits that the petitioner is driver of the said vehicle and he has nothing to do with the seized liquor which was kept in the dickey of the car. He was directed by the owner of the vehicle to deliver the goods to the required destination without giving him knowledge about the illicit liquor kept on it and nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is in custody since 2.4.2021.

Learned counsel for the State has opposed the prayer for grant of bail.

Having considered the submission of the parties and the facts and circumstances of the case, the court below is directed to verify the owner of the vehicle bearing registration no. WB02K8173 and on being satisfied that the same is not registered in the name of the petitioner, the court below shall release the petitioner named above on bail on furnishing bail bond of Rs. 100,000/- (One lakh) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II cum Special Judge, Excise, Gaya, in connection with G.R. No. 700 of 2021 arising out of Sherghati P.S. Case No. 196 of 2021 subject to the following conditions:-

(1) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

**(Purnendu Singh, J)**

Ravi/-

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