

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36570 of 2022

Arising Out of PS. Case No.-410 Year-2021 Thana- MOKAMAH District- Patna

Govind Paswan @ Govind Kumar Son Of Keshav Paswan Resident of Coal
Siding, Ward No. 28, P.S.- Mokama, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Kanhaiya Kishore APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Mokama P.S.Case No. 410 of 2021 for the
offences punishable under Sections 30(a) of the Bihar
Prohibition & Excise Act 2018.

It is alleged that 72 liters illicit country made
liquor and 12 liters Mashoor Deshi liquor was recovered
from the field of Satish Singh. On interrogation, he
disclosed the name of other co-accused persons including
the petitioner. The name of the petitioner found indulged in



the business of illicit liquor.

It is submitted by the learned counsel for the petitioner that the alleged recovery has been made from the field of one Satish Singh and the petitioner has neither any concern with the place nor with the illicit liquor. He also submits that petitioner was not apprehended at the spot and only on account of one past criminal antecedent, his name has been implicated in this case, though the petitioner is on bail in earlier case. He next submits that there is other infirmities in the preparation of seizure list, apart from the fact that there is no compliance of section 100 of the Code of Criminal Procedure. He lastly submits that petitioner is in custody since 09.06.2022 and the investigation of the crime is already completed and charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that the alleged recovery has been made from the field of Satish Singh which has no concern with the petitioner and save and except the disclosure made by the co-accused persons there



is no material showing the complicity of the petitioner and is in custody since 09.06.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-III Barh, Patna in connection with Mokama P.S. Case No. 410 of 2021 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 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.

(Harish Kumar, J)

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