

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37456 of 2022

Arising Out of PS. Case No.-232 Year-2018 Thana- BUDDHACOLONY District- Patna

Babua Paswan, Son of Sri Lalji Paswan @ Dina Paswan @ Raju Paswan,
Resident of Rajapur Back of Pranami Mandir, P.S.- Sri Kishnapuri, District-
Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Anand, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 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. Saket Anand, 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 Buddha Colony P.S. Case No.232 of 2018 (Special Case No. 5784 of 2018) registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) Bihar Prohibition & Excise Act.

As per the prosecution case, it is alleged that the police on a secret information that the petitioner and co-accused persons are indulged in trade of illicit wine, raided the place of



occurrence. On search, total 134.175 litres of Indian made foreign liquor was recovered from a hut.

Learned Counsel for the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person of possession. He next submits that the alleged hut, in question, belongs to Sunny Kumar and the petitioner has neither any concern with the place from where recovery has been made nor with the illicit wine. He further submits that co-accused Ravindra Kumar has already been granted bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 67999 of 2018 vide order dated 29.11.2018 itself. He lastly submits that the petitioner is in custody since 15.05.2022 and, moreover, after completion of investigation, charge sheet has been submitted.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is named in other two criminal cases of similar kind.

Having regard to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a hut, which does not belong to the petitioner and neither he was apprehended at the spot nor any incriminating material has been recovered, 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 Act, Patna in connection with Buddha Colony P.S. Case No. 232 of 2018 (Special Case No. 5784 of 2018), 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.

(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)

uday/-

U		T	
---	--	---	--

