

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38842 of 2022

Arising Out of PS. Case No.-137 Year-2022 Thana- MOTIPUR District- Muzaffarpur

BIJALI PASWAN SON OF SITA RAM PASWAN R/O VILLAGE-
DHARAMPUR, P.S.- MEENAPUR, DISTRICT- MUZAFFARPUR, STATE-
BIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.APP.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-08-2022 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.

The petitioner seeks bail in connection with
Motipur P.S. Case No. 137 of 2022 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

As per prosecution case, there is alleged recovery
of total 103.680 litre foreign liquor from the vehicle in question
and petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 10.04.2022 and bears criminal



antecedent of four cases of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from conscious possession of the petitioner. Petitioner has no concern either with the alleged seized liquor or vehicle. Co-accused Shajad Alam having similar allegation has been granted bail by this Court vide Cr. Misc. No. 35731 of 2022.

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, 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 **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Court No. II, Muzzafarpur in connection with Motipur P.S. Case No. 137 of 2022, 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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