

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38426 of 2022

Arising Out of PS. Case No.-348 Year-2021 Thana- SONO District- Jamui

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BHOLA PASWAN S/O ARJUN PASWAN Resident of Village-
Pairamatihana, P.S.- Sono, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bibhuti Narayan

For the Opposite Party/s : Mr.Mohammad Sufyan

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-08-2022 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 Sono P.S.
Case No. 348/2021 registered for the offences punishable under
Sections 272, 273 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of
total 10 liters country made Mahua wine behind the house of the
petitioner. The petitioner was not apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case merely on suspicion. The petitioner was not apprehended



on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 13.06.2022 and bears criminal antecedent of two cases of similar nature. Learned counsel for the petitioner further submits that the petitioner has neither concerned with the seized liquor nor concerned with the alleged land. Seizure list has not been prepared as per law.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot 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 court of Special Excise-II, Jamui in connection with Sono P.S. Case No. 348/2021 related to excise G.R. No. 3495/2021, 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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