

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37943 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- JAYNAGAR District- Madhubani

SAROJ KUMAR PASWAN @ SAROJ S/o Mohan Paswan R/o village-
Khajauli, P.S.- Khajauli, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.APP.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-08-2022 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
Jaynagar P.S. Case No. 138 of 2022 registered for the offences
punishable under Section 414 of the I.P.C. and Section 30(a) of
the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery
of 135 litre illicit Nepali liquor from possession of the petitioner
and he was apprehended on the spot. One motorcycle is also
seized from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is in custody since 12.05.2022 and bears criminal



antecedent of one case of similar nature. Learned counsel specifically submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that neither the motorcycle in question nor alleged liquor belongs to the petitioner. Seizure list has not been made as per law.

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, as submitted 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 Additional Sessions Judge II cum Special Judge Excise Act, Madhubani in connection with Jaynagar P.S. Case No. 138 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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