

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38980 of 2022

Arising Out of PS. Case No.-332 Year-2021 Thana- BAKHARI District- Begusarai

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Mukesh Paswan Son of Rajgir Paswan Resident of Ward No.- 8, Bagras Hari Singh, Dhyan Chakki, P.S. - Bakhri, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Prashant, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-09-2022 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 Bakhri P.S. Case No. 332 of 2021 for the offences punishable under Sections 120(B) of the Indian Penal Code and section 30(a), of the Bihar Excise (Prohibition) Amendment Act.

As per the prosecution case, it is alleged that on a secret information a truck bearing registration no. BR11L 8911 carrying illicit liquor was intercepted by the police and on search total 2964.96 liters Indian made foreign liquor was recovered. The driver of the said truck was apprehended at the place of occurrence.



Learned counsel for the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating article has been recovered from his person and possession. However, on the disclosure made by the chawkidar, the name of the petitioner has implicated in this case and save and except, the disclosure of chawkidar, there is no other material which suggests the complicity of the petitioner. It is next submitted that co-accused Manoj Mahto, who is said to be driver of the truck has already been granted bail in Cr. Misc. No. 2001 of 2022 vide order dated 22.06.2022 and moreover, the petitioner is in custody since 07.06.2022, though the investigation of the crime is already completed and the charge sheet has been submitted.

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

Regard being had to the submission made on behalf of the parties and considering the fact that petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession and save and except the disclosure made by the Chawkidar, there is no other material, apart from that other co-accused persons has already been granted bail, 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 Additional Sessions Judge cum Special Judge, Excise, Begusarai in connection with Bakhri P.S.Case No. 332 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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