

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39861 of 2022**

Arising Out of PS. Case No.-78 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

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RAJENDRA PASWAN @ GAJENDRA PASWAN SON OF RAMDEV
PASWAN R/O VILLAGE- SARONI KALA, WARD NO.-06, P.S.-
BIHARIGANJ AND DISTRICT- MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Verma

For the Opposite Party/s : Mr. Manoj Kumar

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 23-08-2022 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 Special
Case No.436/2022 arising out of Kishanganj Excise P.S. Case
No. 78/2022 registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

As per prosecution case, there is alleged recovery of
total 103.125 liters foreign liquor from Tempoo in question. The
petitioner was alleged to be driver and apprehended on the spot.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner was driver of the said vehicle in question as such he did not have the idea of the nature of consignment which may have been loaded on the vehicle by the owner. The petitioner is languishing in custody since 03.06.2022 and bears no criminal antecedent. Learned counsel for the petitioner specifically submits that the prosecution report has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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, prosecution report has already been submitted in this case as submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail 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 District and Sessions Judge-IV cum Special Judge, Excise, Kishanganj in connection with Special Case No.436/2022 arising out of Kishanganj Excise P.S.



Case No. 78/2022, 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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