

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41951 of 2022

Arising Out of PS. Case No.-657 Year-2021 Thana- BRAHMPUR District- Buxar

Munna Paswan S/o Nagendra Paswan Resident of Village - Chhatnwar, P.S.-
Krishnabrahm, District - Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Adv

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-09-2022 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 Brahmpur P.S. Case No. 657 of 2021 for
the offences punishable under Sections 30(a) of the Bihar
Prohibition & Excise (Amendment)Act.

The allegation against the petitioner is to be
engaged in storing and selling of the illicit liquor and total
450 liters country made liquor was recovered in a
dilapidated house in front of the house of the accused Timil
Yadav.



Learned counsel for the petitioner submits that the name of the petitioner has disclosed by chawkidar. He submits that the petitioner was neither apprehended at the spot nor any incriminating article has been recovered from his person and possession. He further submits that other co-accused persons who found actively involved in the crime though have been already granted bail by different Benches of this Court, the copies of which have been kept on record. He last submits that the petitioner having fair antecedent is in custody since 30.5.2022 and the investigation is complete 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 has neither apprehended at the spot nor any incriminating material has been recovered from his possession and the alleged recovery has been made in a dilapidated house. Moreover, petitioner having fair antecedent is in custody since 30.05.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-



(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise 2nd at Buxar in connection with Brahmpur P.S.Case No. 657 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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