

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39968 of 2022

Arising Out of PS. Case No.-341 Year-2021 Thana- MAHUA District- Vaishali

Ajay Paswan, S/o Nem Chandr paswan @ Nem Chand Paswan, Resident of
Village- Narangi Sarsikan, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-09-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Sunil Kumar Singh, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Mahua P.S. Case No. 341 of 2021 registered for
the offence punishable under Section 30(a) Bihar Excise Act.

The police in course of patrolling duty received a
confidential information with regard to trade of illicit liquor
from a shop, conducted raid and on search, total 194.70 litres
Indian made foreign liquor was recovered from a shop.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner was neither apprehended at spot nor



any incriminating material has been recovered from his person or possession and, moreover, the shop from where the recovery has been made does not belong to the petitioner. He next submits that there is no compliance of Section 100 of the Cr.P.C., apart from fact that after completion of investigation, charge-sheet has been submitted, though the petitioner is in custody since 07.04.2022.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a shop and neither the petitioner was apprehended at spot nor any incriminating material has been recovered from his conscious possession, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II cum Additional District and Sessions Judge, Vaishali at Hajipur in connection with Mahua P.S. Case No. 341 of 2021 subject to the condition that one of the bailors will be the close relative 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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