

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42856 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- DEHRI TOWN District- Rohtas

=====

UMA PASWAN @ UMASHANKAR PASWAN Son of Sri Niwash Paswan
Resident of village - Tendua Dusadhi, Police Station- Dehri (M), District -
Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh

For the Opposite Party/s : Mr.Ajay Kumar No. 2

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-08-2022 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 through virtual mode.

The petitioner seeks bail in connection with Dehri (M)

P.S. Case No. 19/2022 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 100 liters country made Mahua liquor near the boring of

the present petitioner. Local Choukidar disclosed the name of

petitioner who fled away from the place of occurrence.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case merely on suspicion. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. He further submits that seizure list has not been prepared as per law and there is no compliance of Section 100 Cr.P.C. The petitioner is languishing in custody since 13.03.2022 and bears criminal antecedent of one case. Charge sheet has 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, petitioner was not apprehended on the spot, charge sheet has already been submitted 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 2nd Additional Sessions Judge cum Exclusive Special Excise Court-1, Rohtas at Sasaram in connection with Dehri (M) P.S. Case No. 19/2022, 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)

amitkumar/-

U		T	
---	--	---	--

