

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45877 of 2022

Arising Out of PS. Case No.-50 Year-2022 Thana- TANDWA District- Aurangabad

=====

JAISHANKAR PASWAN @ KHUSHBU @ JAY SHANKAR PASWAN S/o
Late Chandrika Paswan R/o village- Fulwariya Gaderiya Bigha, P.S.- Tandwa,
District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Leelawati Kumari

For the Opposite Party/s : Mr.Gauri Shankar Gupta

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-09-2022 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

Tandwa P.S. Case No. 50 of 2022 registered for the offences

punishable under Sections 30(a) of the Bihar Prohibition and

Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery

of 15 litres illicit country made liquor outside the house of the

petitioner and petitioner is apprehended on spot.

Learned counsel for the petitioner submits that

petitioner is in custody since 30.05.2022. Petitioner bears one



criminal antecedent of similar nature. Learned counsel further submits that petitioner has falsely implicated in the present case on the basis of secret information. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the illicit recovered liquor as same was recovered from the outside of the house and petitioner is not involved in the business of illicit liquor. Seizure list has not been made as per law.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, argument advanced on behalf of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise II, Aurangabad in connection with Tandwa P.S. Case No. 50 of 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)

amitkr/-

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

