

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44582 of 2022

Arising Out of PS. Case No.-60 Year-2021 Thana- RATANPUR District- Supaul

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Sintu Kumar @ Sintu Kumar Paswan S/O Late Matar Paswan Resident of
village- Boharna, P.S.- Ratanpura, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-10-2022 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. Pramod Mishra, learned counsel for the
petitioner and learned APP for the State, through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Ratanpura P.S. Case No. 60 of 2021, registered
for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The police on confidential information, conducted
raid and on search total 3982 Kg., of spirit was recovered.

It is submitted by the learned counsel appearing on
behalf of the petitioner that from the FIR as well as seizure list,



it is evident that the alleged recovery has been made from the field of one Shusil Mishra, which is an open place accessible to all, however, the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and only on suspicion his name has been implicated in this case. He further submitted that co-accused person having identical allegation has already been allowed the privilege of bail by this court in Cr. Misc. No. 37341 of 2022, vide order dated 02.09.2022 and now the investigation of the crime is already complete.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession, inasmuch as recovery has been made from the field of one Sushil Mishra and co-accused person having identical allegation has already been allowed the privilege of bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Supaul, in



connection with Ratanpura P.S. Case No. 60 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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