

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43757 of 2022

Arising Out of PS. Case No.-48 Year-2021 Thana- BADHAILA District- Rohtas

SANJAY PASWAN S/o Hanuman Paswan R/o village- Suara, P.S.- Baghaila,
District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari, Advocate.

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-10-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ajay Kumar Tiwari, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Baghaila P. S. Case No. 48 of 2021 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30 (a) (d) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that the petitioner is said to be engaged in manufacturing and supply of



illicit liquor, the police conducted a raid and on search, total 929 litres illicit Indian made foreign liquor as well as country-made liquor was recovered from the garden and hut of the co-accused Raju Paswan.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R., it would be evident that altogether 929 litres Indian made foreign liquor as well as country made liquor was recovered from the garden and hut of the co-accused Raju Paswan and neither the petitioner was apprehended at the spot nor any incriminating material has been recovered from his person or possession. It is also submitted that save and except the suspicion made by the police personnel, there is no other material against the petitioner suggesting his complicity in the present crime. It is further submitted that the co-accused Raju Paswan, from whose possession the entire recover has been made, has already been allowed the privilege of bail by the court below itself. So far the petitioner is concerned, he is in custody since 21.04.2022.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is found involved in one another similar kind of case.

Regard being had to the submissions made on



behalf of the parties and taking into account the fact that no recovery has been made from the person or possession of the petitioner and save and except the allegation that the petitioner is found engaged in trafficking of illicit liquor, there is no other material suggesting the complicity of the petitioner in the present crime, let the petitioner, above named, 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 Additional District and Sessions Judge-II-cum-Exclusive Special Excise Court-1, Rohtas at Sasaram in connection with Baghaila P. S. Case No. 48 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 step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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