

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44085 of 2022**

Arising Out of PS. Case No.-175 Year-2022 Thana- DEO District- Aurangabad

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Baijnath Pasi, S/o Deoraj Pasi, R/o village- Ketaki, P.S.- Deo, District-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Anant Kumar 1, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Deo P.S. Case No. 175 of 2022, G.R. No, 675 of 2022 registered for the alleged offences under Sections 30(a), 36, 41(i) of the Bihar Prohibition and Excise Amendment Act, 2018.

Allegedly, the recovery of 96 litres of country made liquor was made from a auto rickshaw. The petitioner was apprehended from an auto rickshaw.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. The petitioner was merely a co-passenger and he has no concern either with the said auto rickshaw or the owner of the auto rickshaw. The petitioner is in custody since 30.06.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedents of similar nature.

Having regard to the submissions made hereinabove and considering the fact that the petitioner is stated to be a passenger in auto rickshaw and further considering the submission of charge-sheet along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-1st, Aurangabad in connection with Deo P.S. Case No. 175 of 2022, G.R. No. 675 of 2022 subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the



petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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