

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44993 of 2022**

Arising Out of PS. Case No.-105 Year-2022 Thana- PANDAUL District- Madhubani

Amar Paswan Son of Late Prakash @ Prakash Paswan @ Puran Paswan R/O
Village- Karpuri Chowk, Shivaji Nagar, P.S.- Pandaul, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Nityanand

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 02-09-2022 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 through virtual mode.

The petitioner seeks bail in connection with Pandaul
P.S. Case No. 105/2022, corresponding to G.R. No.848/2022
registered for the offences punishable under Sections 272/ 273
of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of
total 8.640 liters foreign liquor from adjacent to the house of the
petitioner and he was apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case due to previous criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that the petitioner has no concerned with the seized liquor and the foreign liquor was recovered from adjacent to the house of the petitioner. The petitioner is languishing in custody since 03.06.2022 and bears criminal antecedent of 03 cases of similar nature.

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, argument advance on behalf of both sides 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 Additional Sessions Judge-II cum Special Judge, Excise Act, Madhubani in connection with Pandaul P.S. Case No. 105/2022, corresponding to G.R. No.848/2022, 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)

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