

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45093 of 2022**

Arising Out of PS. Case No.-372 Year-2022 Thana- KANTI District- Muzaffarpur

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Arun Paswan, Son of Visheshwar @ Visheshwar Paswan, R/v- Kanti, ward
no. 7, P.S- Kanti, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate
For the Opposite Party/s : Mrs. Rita Verma, 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. Yugal Kishore, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Kanti P.S. Case No. 372 of 2022 registered for
the offence punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016-18.

Allegation against the petitioner is to be engaged in
distribution of illicit liquor, the police apprehended two persons,
namely, Ashutosh Kumar and Pramod Kumar and on search
total 45.525 litres of illicit Indian made foreign liquor was
recovered. The apprehended persons disclosed the name of their
associates, including the petitioner.



Learned counsel appearing on behalf of the petitioner submits that admittedly the alleged recovery has been made from the co-accused persons and save and except the disclosure made by the apprehended persons, there is no material against the petitioner. He further submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his conscious or constructive possession and he is in custody since 25.06.2022, having fair antecedent.

On the other hand learned APP for the State 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 conscious or constructive possession and save and except the disclosure made by the apprehended persons, there is no material against him and now the investigation of the crime is already complete and charge-sheet has been submitted, 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 Court No.-II, Muzaffarpur in connection with Kanti P.S. Case No. 372 of



2022, 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 physically 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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