

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57887 of 2021

Arising Out of PS. Case No.-105 Year-2021 Thana- BYPASS District- Patna

Suraj Paswan Son of Satrudhan Paswan Resident of Kumharar, Gwal Toli,
P.S.- Agamkuan, District - Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Ms. Shaheen Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Bypass P.S.
Case No. 105 of 2021, Special Excise Case No. 2467 of 2021
registered for the offences punishable under Sections 30(a) of
Bihar Prohibition and Excise Act, 2016.

According to prosecution case, on secret information,
the informant along with arm force has proceeded for vehicle
checking at Karmali Chak More meanwhile the informant got
an information that a tempo loaded in the Mahua Wine which



was coming towards Didarganj and going to Patna, the informant saw a tempo which was coming towards Didarganj when he has given signal for stop the tempo but the driver of the Tempo has tried to fled away but they have caught hold after chasing by the arm forced and on search 170 liters country made Mahua liquor has been recovered from the Tempo.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that nothing has been recovered from conscious possession of the petitioner, rather the recovery has been made from one Tempo. It is further submitted that petitioner is the tempo driver and he has no concern with the seized liquor. The petitioner is in custody since 27.03.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court, Patna in connection with Bypass P.S. Case No. 105 of 2021, Special Excise Case No. 2467 of 2021, subject



to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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