

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57298 of 2021

Arising Out of PS. Case No.-186 Year-2021 Thana- CHANDAUTI District- Gaya

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BRAHMDEO PASWAN @ KAILA PASWAN S/o Lakhon Paswan R/o
Village - Bangali Bigha, P.S. - Chandauti, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Rina Sinha

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2022 At the very outset, learned counsel for the petitioner submits that due to typing mistake in Para 1 of the petition Rail Chandauti P.S. Case No. 186 of 2021 has been typed in place of Chandauti P.S. Case No. 186/2021 and accordingly, it is prayed that Chandauti P.S. Case No. 186/2021 be read.

Prayer is allowed.

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 Chandauti P.S. Case No. 186/2021 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

There is recovery of 35 litres of illicit liquor from the house of the petitioner.



Learned counsel for the petitioner submits that petitioner has committed no offence and he has falsely been implicated in the present case. It is further submitted that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from joint house of the petitioner. He further submits that petitioner has no knowledge about the seized liquor and he is in custody since 18.07.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries two criminal antecedent.

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 Additional Sessions Judge-II cum Special Judge of Excise Court, Gaya in connection with Chandauti P.S. Case No. 186/2021, 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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