

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48609 of 2022**

Arising Out of PS. Case No.-320 Year-2022 Thana- NAUTAN District- West Champaran

JITENDRA @ SIKANDAR PASWAN S/o Grijesh Paswan R/o village- Nath
Nagar, P.S.- Mahuli, District- Sant Kavir Nagar (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh
For the Opposite Party/s : Mr.Parmanand Prasad

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

2 27-09-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with Nautan
P.S. Case No. 320 of 2022, registered for the offences
punishable under Sections 413, 414/420 of IPC and 30(a) of
Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery
of 231.450 litre foreign liquor from the car in question.
Petitioner is alleged to be driver of the said vehicle and
apprehended on spot alongwith others.

Learned counsel for the petitioner submits that
petitioner is in custody since 07.06.2022 and bears five criminal



antecedent which is not of similar nature. Petitioner is not the owner of the said vehicle and he has no knowledge about the illicit liquor loaded in said vehicle. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner and he has been falsely implicated in the case. He also submits that there is no compliance of Section 100 of Cr.P.C

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced 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 Exclusive Special Judge, Excise, Bettiah, West Champaran in connection with Nautan P.S. Case No. 320 of 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)

vashudha/-

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