

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51982 of 2022

Arising Out of PS. Case No.-378 Year-2019 Thana- SHIVSAGAR District- Rohtas

VINDHYACHAL PASWAN, S/o Prithvi Paswan Resident of Village- Barki Karparwa, P.S.- Darigaow, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikalp, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Shivsagar P.S. Case No. 378 of 2019 registered
for the alleged offences under Section 30(a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, recovery of 604.800 liters
of India made foreign liquor was made from a pick-up-van.
During investigation, the name of the petitioner surfaced as the
driver of the pick-up-van.

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

case. Nothing incriminating has been recovered from the conscious possession of the petitioner and the petitioner was not apprehended from the spot. The petitioner is neither the owner nor the driver of the seized pick-up-van. Learned counsel further submits that the name of the petitioner transpired in this case merely on suspicion. Charge sheet has been submitted in this case and the petitioner is in custody since 22.04.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession and also considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 13th Additional Sessions Judge-cum-Exclusive Special Excise Court-II, Rohtas at Sasaram in connection with Shivsagar P.S. Case No. 378 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following

conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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