

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52281 of 2022

Arising Out of PS. Case No.-177 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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Shivpujan Pasi, Son of Keshwar Pasi, R/O Village- Araura Khurd, P.S.-
Hariharganj, District- Palamu (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Anand, Advocate
For the Opposite Party/s : Mr.Abhay Kumar Roy,APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 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 Excise P.S. Case No. 177 of 2022 registered
for the alleged offences under Section 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2018.

As per prosecution case, 77.625 liters of country
made liquor was recovered from a tempo which was being
driven by the petitioner who was apprehended from the spot.

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

case. The petitioner has no concern with the allegedly recovered liquor or the tempo from which the recovery is stated to be made. The petitioner is neither the owner nor the driver of the said tempo. Nothing incriminating has been recovered from conscious possession of the petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 21.08.2022. The petitioner is having clean antecedent.

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

Having regard to the submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioner and his clean antecedent, 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 Special Judge, Excise IInd, Aurangabad in connection with Excise P.S. Case No. 177 of 2022 arising out of G.R. No. 676 of 2022, 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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