

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61869 of 2021**

Arising Out of PS. Case No.-62 Year-2021 Thana- PIPRAKOTHI District- East Champaran

JITENDRA PASWAN Son of Ramdeo Paswan Resident of Village-
Hathiyahi, P.S.- Pioprakothi, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 03-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 Piprakothi P.S. Case No. 62 of 2021 registered for the offences punishable under Sections 420, 414, 272, 273, 34 of the IPC and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per prosecution case, 117.36 litres of illicit foreign liquor and one motorcycle are said to have been recovered 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. He further submits that it appears from the FIR and the seizure list that seizure list was not handed over to the persons who were present at the time of seizure. He further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the house of the petitioner and petitioner was not present at the time of search and seizure. He further submits that the motorcycle in question belongs to one Sushil Kumar as per record. He further submits that the police after investigation submitted charge sheet against the petitioner and the petitioner is in custody since 16.08.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one 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-11nd cum Special Judge (Excise), Motihari, East Champaran in connection with Piprakothi P.S. Case No. 62 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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