

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53368 of 2022

Arising Out of PS. Case No.-80 Year-2022 Thana- ROSERA District- Samastipur

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KANHAIYA PASWAN Son of Ram Das Paswan R/V- Bharariya, Ward No. 8,
P.S- Rosera Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar

For the Opposite Party/s : Mr.Abhay Kumar
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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-10-2022 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 Rosera
P.S. Case No. 80 of 2022 registered for the offences punishable
under Sections 272, 273/34 of the I.P.C. and Section 30(a) of the
Bihar Prohibition and Excise Amendment Act.

As per prosecution case, police got secret
information that trade of illicit liquor is being done by the
petitioner and others near the pond of co-accused Raghunandan
Mahto and on the basis of said information police recovered
101.220 litre foreign liquor from the pond of co-accused
Raghunandan Mahto.



Learned counsel for the petitioner submits that petitioner is in custody since 28.04.2022. Petitioner bears criminal antecedent of one case of similar nature. He further submits that petitioner has falsely been implicated in this case due to ulterior and vexatious motive. Nothing has been recovered from the possession of the petitioner. The alleged pond, from where recovery has been made, does not belong to the petitioner and he is not apprehended on the spot.

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, petitioner is not apprehended on the spot, 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 Special Judge, Excise Court I, Samastipur in connection with Rosera P.S. Case No. 80 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)

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