

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65085 of 2021

Arising Out of PS. Case No.-247 Year-2020 Thana- BALIYA District- Begusarai

SANJEET PASWAN @ KARI PASWAN @ SANJIT PASWAN, S/o Late Jagdish Paswan, R/o Village- Chhoti Ballia, Paswan Tola, P.S.- Ballia, Dist- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 26-05-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State.

At the very outset, the learned counsel for the petitioner has submitted that in paragraph 3 of the bail petition although he has mentioned one criminal antecedent against the petitioner as Ballia P.S. Case No. 266 of 2020, but sections were not mentioned inadvertently. By filing supplementary affidavit, it has been mentioned that the above-noted case was lodged under sections 457/ 380/34 of the Indian Penal Code.

The petitioner is seeking regular bail in connection



with Ballia P.S. Case No. 247 of 2020 registered for offence punishable under sections 30, 32 and 37 (b) (c) of the Bihar Prohibition and Excise Act, 2016.

A.S.I. is the informant. As per allegation, he got information that some persons have stored illicit liquor. He raided the place of occurrence. 3-4 persons, who were present, began to flee away having seen the police party. Some cartons containing illicit liquor were recovered from the place of occurrence. After some time, one Raj Kumar, who was in drunken condition, was arrested.

The learned counsel for the petitioner has submitted that the petitioner is innocent and was remanded in this case on 20.09.2021. The petitioner is not named in the FIR and he is under custody since 20.09.2021. He has submitted further that on similar footing, co-accused Dharmendra @ Dharmendra Paswan @ Dharo Paswan has been granted bail in Cr. Misc. No.13146 of 2021, vide order dated 22.07.2021.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Bihar Prohibition and



Excise Act, Begusarai in connection with Ballia P.S. Case
No.247 of 2020, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of
trial and make himself available as and when required
by the court.

(ii) At the time of furnishing bail bond, the petitioner
shall file an affidavit to the effect that he shall not
indulge himself in future in the similar type of offence.

If it is found so, the prosecution will have liberty to
file an application before the court below for
cancellation of the bail of the petitioner and
the learned court below will take decision in
accordance with law.

Office shall ensure that all defects are removed by the
petitioner within the stipulated time mentioned hereinabove,
failing which, the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey, J)

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