

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65388 of 2021

Arising Out of PS. Case No.-9 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

SANTE PASWAN @ SANTAI PASWAN Son of Mahesh Paswan Resident of
Gulab Bag Pologram, Ward No.- 39, P.S.- Sadar, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh
For the Opposite Party/s : Mrs.Pushpa Sinha. I

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-03-2022 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 Supplementary Special Case No. 13/ 2021 arising out of Kochadhaman P.S. Case No. 09/ 2021 registered for the offences punishable under Sections 30(a), 36, 41 of the Bihar Prohibition and Excise Act.

There is recovery of 630 litres of illicit foreign liquor.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case only on the basis of disclosure made by the co-accused Vijay Horo. He



further submits that petitioner was not apprehended at the spot. He further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the vehicle in question. He further submits that co-accused Vijay Horo has been granted bail by a co-ordinate Bench of this court vide order dated 29.10.2021 passed in Cr. Misc. No. 43452 of 2021 and the petitioner is in custody since 24.07.2021.

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-II, Special Judge (Excise), Kishanganj in connection with Supplementary Special Case No. 13/ 2021 arising out of Kochadhaman P.S. Case No. 09/ 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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