

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68096 of 2021

Arising Out of PS. Case No.-635 Year-2021 Thana- FATUA District- Patna

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DILIP PASWAN S/o Late Janak Paswan R/o Village - Bankipur Gorakh, P.S.-
Fatuha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Munna Kumar, Adv.

For the Opposite Party/s : Mr. Indu Kumari Sivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-03-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Fatuha

P.S. Case No. 635 of 2021, Special Case No. 5251 of 2021

registered for the offence under Sections 30(a) and 56(c) of

the Bihar Prohibition and Excise Act.

Recovery is of 15 liters of Mahua wine.

Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been

implicated in this case. In fact, nothing has been recovered



from the conscious possession of the petitioner rather the alleged recovery has been made from one hut. The petitioner has no concern with the alleged recovery and the hut in question. He further submits that the petitioner has been made accused in this case on the basis of suspicion only and the police has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 27.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Special Judge, Excise Act, Patna in connection with Fatuha P.S. Case No. 635 of 2021 vide Special Case No. 5251 of 2021 with 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/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled 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.

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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