

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58357 of 2022

Arising Out of PS. Case No.-315 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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Upendra Paswan Son Of Kamta Paswan R/O Pokhara Mohalla Near Burf
Factory, Thakurbadi Road, P.S.- Aurangabad (TOWN), Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh
For the Opposite Party/s : Mr. Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-11-2022 Heard Ld. counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in connection with

Aurangabad (Town) P.S. Case No. 315 of 2022, registered

for the offences punishable under Section 30(a) of Bihar

Prohibition and Excise (Amendment) Act, 2018.

As per allegation, 124.5 litres of country-made

liquor was recovered from bush and an auto bearing Engine

No. R3L2415553.

Ld. counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case. He also submits that nothing has been recovered from



the conscious possession of the petitioner. He further submits that the petitioner was not arrested on the spot and he was arrested only on suspicion.

The petitioner has been languishing in jail since 07.08.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in three cases.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Special Judge, Excise, I, Aurangabad in connection with Town P.S. Case No. 315 of 2022 on the following conditions:

- (i) The petitioner will make himself available for



interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.



The application stands allowed accordingly.

Learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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