

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56918 of 2022

Arising Out of PS. Case No.-305 Year-2020 Thana- JAYNAGAR District- Madhubani

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Kameshwar Paswan, Son of Sukhindar Paswan Resident of Village -
Kamlabari Goth, P.S.- Jaynagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Soban Asghar, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with G.R. No. 1009 of 2020 arising out of Jaynagar
P.S. Case No. 305 of 2020 registered for the alleged offences
under Sections 272, 273, 414 and 34 of the Indian Penal Code
and under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, six motorcycles were
intercepted and the co-accused Shiv Kumar Yadav was
apprehended. From the motorcycles, total recovery of 432 liters
of *Nepali* country made liquor was made. The name of the
petitioner transpired in this case as owner of one of the seized

motorcycles.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that petitioner was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. The co-accused who was apprehended from the spot has been granted bail vide order dated 02.02.2021 passed in Cr. Misc. No. 37472 of 2022 by a Coordinate bench. Charge sheet has been submitted in this case and the petitioner is in custody since 13.06.2022. The petitioner has got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the submission of charge sheet along with period of custody of the petitioner and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-

2nd-cum-Special Judge Excise Act, Madhubani in connection with G.R. No. 1009 of 2020 arising out of Jaynagar P.S. Case No. 305 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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