

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69817 of 2021**

Arising Out of PS. Case No.-396 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

RAJ KISHOR PASWAN S/o Late Ramasrey Paswan R/o village- Repura
Rampur Balli, P.S.- Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2022 Heard learned counsel for the parties.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioner is in custody in connection with Excise Case No. 396 of 2021(P.R. No. 18/2021) registered under Section 3(a) of the Bihar Prohibition and Excise Act, 2016 (amended Act 2018).

As per the FIR, the hut of the petitioner was raided and 6.750 liters foreign liquor and 15 liters country made liquor were recovered/seized. He further submits that for the said alleged occurrence, he is in jail since 29.09.2021 (as stated in paragraph-9 of the bail application). He does not have any criminal antecedent.

Taking into account the aforesaid facts that he is in jail since 29.09.2021, has no criminal antecedent and charge sheet stands



submitted, this Court is inclined to grant the privilege of bail. However, it is found that he does have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Spl. Judge, Excise Act, Muzaffarpur in connection with Excise Case No. 396/2021 (P.R. NO. 18 of 2021), subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iii) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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