

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58735 of 2022

Arising Out of PS. Case No.-263 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Rohtas

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Upendra Paswan, Son of Sri Rambali Paswan, Resident of village-
Karamchhata, P.S- Kochas, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate
For the Opposite Party/s : Mr.Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

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 Excise Case No. 346 of 2022 (FIR No. 263 of
2020) registered for the alleged offences under Section 30(a) of
the Bihar Prohibition and Excise Act.

As per prosecution case, recovery of 70.06 litres of
India made foreign liquor was made from the tempo which was
being driven by the petitioner.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. Nothing incriminating has been recovered from his conscious possession and he has no concern with the recovered illicit liquor. The petitioner is only a driver and he worked as instructed by the owner of the tempo and the petitioner has been only plying the same and he has no knowledge about the nature of consignment. Petitioner has never indulged in illicit trade of liquor. The petitioner is in custody since 14.08.2022 and the prosecution report has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner along with his period of custody and submission of prosecution report, 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 Exclusive Special Judge, Court No.-1, Rohtas at Sasaram in connection with Excise Case No. 346 of 2022, (FIR No. 263 of 2022), 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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