

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59010 of 2022

Arising Out of PS. Case No.-224 Year-2022 Thana- KISHANGANJ District- Kishanganj

Bijay Kumar Paswan @ Vijay Kumar Paswan S/o Shiv Narayan Paswan R/o
Vill-n Hospital Road, Ward no. 14, P.S.- Kishanganj, Distt- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

learned APP for the State.

The petitioner seeks bail in connection with

Kishanganj P.S. Case No. 224 of 2022, registered for the

offences punishable under Section 30(a) of the Bihar

Prohibition and Excise Act, 2016.

As per allegation, 211.8 litres of foreign liquor was

recovered from the tempo bearing Reg. No. BR11PC-1741.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

this case. He further submits that nothing has been

recovered from the conscious possession of the petitioner.



He also submits that petitioner is neither driver nor owner of the vehicle. He further submits that similarly situated co-accused persons, namely, Mehboob Haque and Suraj Kumar Bhardar have already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 21.10.2022 and 02.09.2022 passed in Cr. Misc No. 53274 of 2022 and Cr. Misc No. 44383 of 2022 respectively.

The petitioner has been languishing in jail since 14.06.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned 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. Court of ADJ-II-cum-Special Judge (Excise), Kishanganj in connection with Kishanganj P.S. Case No. 224 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 any criminal antecedent, 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.

The 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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