

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70408 of 2021

Arising Out of PS. Case No.-376 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

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MUKESH PASWAN Son of Ram Bahadur Paswan Resident of Village-
Khodawandpur, P.S.- Khodawandpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-05-2022

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 judicial custody in connection
with Begusarai Town P.S. Case No. 376 of 2020 for the offences
registered under Sections 420, 120(B) of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation in the FIR is that the police upon secret
information was checking the vehicle at NH 31. When they saw
a vehicle coming very speedily, they intercepted it. Two persons
from the said vehicle managed to escape while the driver and
the co-driver were apprehended, who gave their name as Anshu
Kumar and Guddu Kumar. Upon search of the vehicle, 756 liters
of IMFL, 24 sack of rice, Rs. 10,000/- and two mobiles have



been recovered. Those arrested persons gave the name of the accused persons who fled away as Kunal @ Chikku and Mukesh Paswan, (the petitioner herein). In this way, the name of the petitioner came in the FIR and subsequently, he came into judicial custody.

Learned counsel for the petitioner submits that neither he was arrested from the spot nor anything has been recovered from his conscious possession and his name has only been dragged on the basis of the confessional statement of those arrested there. He further submits that he is in jail since 18.09.2021 (as stated in paragraph-9 of the bail application).

Considering the aforesaid facts that the petitioner was not arrested from the spot, nor anything was recovered from his conscious possession, charge sheet stands submitted and he is in jail since 18.09.2021, this Court is inclined to grant him the privilege of bail.

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 Additional Sessions Judge -II cum Special Judge, Excise Act, Begusarai in connection with Begusarai Town P.S. Case No. 376 of 2020, 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) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

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

(iv) 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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