

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58560 of 2022

Arising Out of PS. Case No.-306 Year-2022 Thana- NADI P.S. District- Patna

Shambhu Paswan Son of Late Tukan Paswan R/V- Bakhtiarpur Naya Tola
Sangat, P.S- Bakhtiarpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra

For the Opposite Party/s : Mr. Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-11-2022 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Nandi
P.S. Case No. 306 of 2022, registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

As per allegation, 7.800 litres of liquor has been
recovered from the beetle shop of the petitioner.

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.



The petitioner has been languishing in jail since
11.08.2022

It is also stated in paragraph no. 2 of the petition
that the petitioner has never moved before this Court for
grant of anticipatory bail or regular bail in the present
matter.

It has further been stated in paragraph no. 3 of
the petition that the petitioner has been made accused in
one more case, Nandi P.S. Case No. 138 of 2022.

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. Exclusive Special Judge – Excise,
Patna City in connection with Nandi P.S. Case No. 306 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 criminal antecedent other than the disclosed one, 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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