

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72220 of 2021

Arising Out of PS. Case No.-155 Year-2021 Thana- GANGABRIDGE District- Vaishali

Saroj Paswan @ Laxman Paswan, Son of Basant Paswan @ Gangasar
Paswan, Resident of Village- Saidpur Ganesh, P.S.- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Anuj Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Ganga Bridge P. S. Case No. 155 of 2021 registered for the offences punishable under Sections 467, 468, 471, 420, 120 (B) read with 34 of the Indian Penal Code and Sections 30 (a), 36 and 41 (1) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the



Police, on a confidential information that a huge consignment of illegal liquor is being transported over a truck, raided the place of occurrence and found that some persons are engaged in unloading the illicit wine from the truck in question and the same are being loaded in a Pick-Up Van. Further, one Brezza Car and one Apache motorcycle were found parked there. On noticing the police some persons succeeded in fleeing away, however, the petitioner was apprehended and on search, altogether 4290 litres Indian made foreign liquor was recovered from the truck and Pick-Up Van.

Learned counsel appearing on behalf of the petitioner submitted that from the contents of F.I.R., it is evident that the petitioner was found engaged in loading and unloading of the illicit wine and in fact, the petitioner is a labour. It is further submitted that the petitioner has neither any concern with the vehicles, which were seized at the place of occurrence nor with the illicit wine, which was recovered from the vehicle. It is next submitted that other co-accused persons have already been granted bail by this Court in Cr. Misc. No. 67670 of 2021 vide order dated 17.08.2022. It is lastly submitted that the petitioner is in custody since 20.07.2021, having fair antecedent and moreover, after completion of the investigation, the charge sheet



has been submitted and there is no likelihood of commencement of trial in near future.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was arrested at the spot.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner being the labour and other co-accused persons have already been granted bail by this Court, though the petitioner is in custody since 20.07.2021, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with Ganga Bridge P. S. Case No. 155 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or
intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates
without any cogent reason, his bail bonds will liable to be
cancelled.

(Harish Kumar, J)

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