

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1401 of 2022

Arising Out of PS. Case No.-187 Year-2021 Thana- RAJAON District- Banka

RAKESH PASWAN Son of Ram Prasad Paswan Resident of Village -
Jayantipur Bath @ Jayantipur Dath @ Jaitipur, P.S.- Bahera, Distt.-
Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 30(a), 32(2) of the Bihar
Prohibition and Excise Act, 2016.

Recovery is of total 91.81 liters of foreign liquor.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that nothing
has been recovered from the conscious possession of the



petitioner, rather the recovery has been made from the Auto in question. He further submits that in fact the Auto driver Md. Azad and Md. Sattar who have been arrested on the spot and the same have been granted bail by the court below vide order dated 09.06.2021 passed by learned Additional Sessions Judge-II-Banka. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 15.09.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Rajaun Nawada Bazar P.S. Case No. 187 of 2021, Special Excise Case No. 356 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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