

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12606 of 2023

Arising Out of PS. Case No.-812 Year-2022 Thana- GAURICHAK District- Patna

VINAY PASWAN S/o Rajdeo Paswan R/o Village- Jaitiya, P.S.- Gaurichak,
Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Gaurichak P.S. Case No. 812 of 2022 registered for the offences punishable under Sections 30(a) / 36 of the Bihar Prohibition and Excise Amendment Act, 2022.

As per prosecution case, there is alleged recovery of 10 liter country made mahua liquor from the plastic jar which was held by the present petitioner who threw the said jar when police started chasing him. It is further alleged that local people disclosed the name of the present petitioner who fled away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is in custody since 31.01.2023 and bears criminal



antecedent of three cases of similar nature in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna City in connection with Gaurichak P.S. Case No. 812 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive



dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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