

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30012 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- TAJPUR District- Samastipur

ANAND KUMAR @ CHHOTU PASWAN @ SHARMA JI son of Late
Rajendra Paswan VILLAGE BERIA BRAHMPURA PS BRAHMPURA
DISTRICT MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Bela Singh

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Tajpur
P.S. Case No. 53 of 2023 registered for the offences punishable
under Sections 120B, 419, 420, 467, 468 of the I.P.C. and
Sections 30(c)(d)(g), 32, 41 of the Bihar Prohibition and Excise
Act.

As per prosecution case, there is alleged recovery
of 1909 empty bottles of foreign liquor from the house of
apprehended co-accused Md. Chand and Md. Gulsad and they
told the name of petitioner and disclosed that they also brought
spirit from the petitioner for making liquor.

Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence and he has falsely been implicated in this case. Petitioner is in custody since 20.03.2023 and bears criminal antecedent of four cases of similar nature. He further submits that petitioner is not apprehended on the spot. Nothing has been recovered from possession of the petitioner or from his house.

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, 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 Court No. II, Samastipur in connection with Tajpur P.S. Case No. 53 of 2023, 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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