

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29435 of 2023

Arising Out of PS. Case No.-489 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

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SUMAN KUMAR JAYSWAL@ SUMAN KUMAR JAISWAL S/O MANOJ
KUMAR JAISWAL R/O Village- Shrimata, P.S- Tikapatti, Distt.- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh
For the Opposite Party/s : Mr.Khurshid Anwar

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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
Special Case No. 517 of 2023 arising out of Madya Nisedh P.S.
Case No. 489 of 2023 registered for the offences punishable
under Sections 30(a), 32(3) of the Bihar Prohibition and Excise
Amendment Act.

As per prosecution case, there is alleged recovery
of 320.340 liters foreign liquor from the car in question.
Petitioner being the driver of said vehicle apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 08.04.2023. Petitioner bears no
criminal antecedent. Learned counsel further submits that



nothing has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has falsely been implicated in the present case.

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

Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IVth-cum-Special Judge (Excise)-II, Kishanganj in connection with Special Case No. 517 of 2023 arising out of Madya Nisedh P.S. Case No. 489 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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