

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41084 of 2023

Arising Out of PS. Case No.-225 Year-2022 Thana- MADHEPURA District- Madhepura

PAPPU PASWAN Son of Late Abhinandan Paswan Resident of Village -
Jaipalpatti, Ward No.- 13, Madhepura, P.S.- Madhepura, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in custody since 16.05.2023 in connection with Madhepura, P.S. Case No. 225 of 2022 for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act of the I.P.C. lodged on 07.03.2022 by the informant Akhilesh Kumar.

As per the prosecution story, the police upon information raided the under construction building of Deepak Paswan, brother of the present petitioner and recovered/seized 185.760 liters of foreign liquor. Accordingly both the brothers were made accused and the F.I.R.

The contention of the petitioner is that it was the under construction house open from every side and as such the



same cannot be attributed to him. Further, his brother Deepak Paswan has been released on bail vide order dated 17.03.2023 passed in Cr. Misc. No. 64663 of 2022 by a Co-ordinate bench of this Court (Annexure 2). The last submission is that he is in custody since 16.05.2023 (as stated in para 11 in the bail application).

Considering the aforesaid facts and that similar situated co-accused has been granted bail, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Session Judge-V-cum-Special Judge Excise Act-1, Madhepura in connection with Madhepura, P.S. Case No. 225 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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