

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45000 of 2023

Arising Out of PS. Case No.-495 Year-2022 Thana- DELHA District- Gaya

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LALO PASWAN @ ROHIT PASWAN @ ROHIT RAJ @ ROHIT KUMAR
@ LOLO PASWAN S/O SANJAY PASWAN @ PALE PASWAN @ SANJAY
KUMAR R/O MOHALLA- BANGLA ASTHAN, PS. KOTWALI, DIST.
GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Adv.

For the Opposite Party/s : Mrs. Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 27-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. Petitioner seeks bail, who is in custody since
21.02.2023 in connection with Delha P.S. Case No.495/2022,
dated 25.12.2022, for the offences punishable under Sections
30(a), 45 and 37 (II) of Bihar Prohibition and Excise
Amendment Act.
3. According to prosecution case, co-accused persons
namely, Banti Kumar, Azad Kumar, Vikash Kumar and Nikhil
Prajapati were found in intoxicated condition and 500 ml. Of
cane beer was recovered from the place of occurrence. It is also
alleged that Aadhar card, ATM card and mobile phones were
also recovered from the apprehended accused persons.
4. Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case. He further submits that from bare perusal of the F.I.R. it appears that the name of the petitioner has been transpired on the basis of disclosure made by the co-accused and nothing has been recovered from conscious possession of the petitioner. He further submits that co-accused, namely, Vikash Kumar, who was apprehended along with other co-accused persons has been granted bail by a co-ordinate Bench of this Court vide order dated 18.05.2023 passed in Cr. Misc. No.29780/2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 21.02.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried nine criminal antecedent other than the present one.

6. 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 Exclusive Special Court No.1, Gaya in connection with Delha P.S. Case No. 495/2022, 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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