

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46759 of 2023

Arising Out of PS. Case No.-33 Year-2023 Thana- HULASGANJ District- Jehanabad

Kampu Paswan @ Rahul Kumar S/O Rajendra Paswan R/O Village-
Uttimpur, Ps. Hulasganj, Dist. Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore (APP-100)

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
09.06.2023 in connection with Hulasganj P.S. Case No. 33 of
2023, F.I.R. dated 28.02.2023 for the offences punishable under
Section 30(a) of Bihar Excise Act.

3. Recovery is of total 33 liters of Mahua wine.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case merely on the basis of disclosure made by co-
accused namely, Ranjeet Kumar. He further submits that
petitioner was not arrested at the spot and it appears from the
F.I.R. as well as seizure list that nothing has been recovered
from the conscious possession or the house of the petitioner
rather the recovery has been made from the co-accused persons.



He further submits that petitioner has no concern at all with the alleged recovery of illicit liquor and except the disclosure made by co-accused namely, Ranjeet Kumar, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the petitioner is in custody since 09.06.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries two criminal antecedents other than the present one of the similar nature but fairly submits that petitioner is on bail in one case out of two cases as stated in para-3 of the bail petition.

Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner and name of the petitioner has been transpired on the basis of disclosure made by co-accused namely, Ranjeet Kumar, 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 Special Excise Judge-1st, Jehanabad in connection with Hulasganj P.S. Case No. 33 of 2023, 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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