

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49708 of 2023

Arising Out of PS. Case No.-213 Year-2022 Thana- MALSALAMI District- Patna

BHIM PASWAN Son of Late Gauri Paswan Resident of village - Nakhash
Machhuatoli, P.S. - Malsalami, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhimanyu Deo, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
08.05.2023 in connection with Malasalami P.S. Case No. 213 of
2022, F.I.R. dated 17.04.2022 for the offences punishable under
Sections 30(a) & 36 of Bihar Prohibition and Excise Act.

3. Recovery is of total 15 liters of country made liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that 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 abandon place, which is not
belongs to the petitioner. He further submits that petitioner was



not arrested at the spot and the name of the petitioner has been transpired on the basis of information given by the local people and he has no concern at all with the alleged recovery of illicit liquor. He further submits that except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 08.05.2023.

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

6. 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 information given by the local people and petitioner was not apprehended at the spot, 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 Judge, Excise Act,



Patna City in connection with Malasalami P.S. Case No. 213 of
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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