

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50703 of 2023

Arising Out of PS. Case No.-148 Year-2023 Thana- BACHHWARA District- Begusarai

SRIKANT KUMAR S/o Chando Paswan @ Chano Paswan Resident of
Village-Babudih, P.S.-Chakai, District-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
12.05.2023 in connection with Bachhwara P.S. Case No. 148 of
2023, F.I.R. dated 11.05.2023 for the offences punishable under
Sections 30(a), 32, 41 of Bihar Prohibition and Excise Act,
2016.

3. Recovery is of total 2698.92 liters of foreign liquor.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that bare
perusal of F.I.R. altogether total 2698.92 liters of foreign liquor
has been recovered from the vehicle in question and two persons
were apprehended at the spot and they have disclosed their
name one is petitioner and second is Utpalkant Kumar. 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 vehicle in question and petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that similarly situated co-accused namely, Utpalkant Kumar has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 20.07.2023 passed in Cr. Misc. No.42725 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 12.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and nothing has been recovered from the conscious possession of the petitioner, 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-I, Begusarai in connection with Bachhwara P.S. Case No.148 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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