

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53424 of 2023

Arising Out of PS. Case No.-124 Year-2021 Thana- HARLAKHI District- Madhubani

PRAMOD PASWAN S/O LATE BHOGENDRA PASWAN R/O VILLAGE-
DURGAPATTI, P.S- HARLAKHI, DISTT.- MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Adv. Mr. Ravi Prakash, Adv. Mr. Vinod Kumar, Adv. Mr. Udeshya Kumar Yadav, Adv. Mr. Rajesh Kumar, Adv.
For the Opposite Party/s	:	Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 19-08-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 24.06.2023 seeks bail, in connection with Harlakhi P.S. Case No.124/2021, dated 10.05.2021, G.R. No.792/2021, for the offences punishable under Sections 272, 273, 34 of the IPC & Section 30(a) of Bihar Prohibition and Excise Act, 2018.
3. According to prosecution case, total 1215 litres of illicit liquor has been recovered from the Durgapatti school and house of co-accused namely Rohit Mahto.
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. as well as seizure list, it



appears that altogether 1215 litres of country made liquor has been recovered from the Durgapatti School and from the house of co-accused namely Rohit Mahto. He further submits that in fact nothing has been recovered from conscious possession or the house of the petitioner. He further submits that only on the basis of suspicion, the name of the petitioner has been implicated in the present case and the petitioner was not arrested at the spot. The petitioner has no concern at all with the alleged recovery of illicit liquor and the informant also not disclosed the source of information regarding the involvement of the petitioner in the alleged occurrence. The petitioner is in custody since 24.06.2023.

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 two criminal antecedent other than the present one in which he is on bail.

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 Additional Sessions Judge-II-cum-Special Judge Excise Act, Madhubani in connection with Harlakhi P.S. Case No.124/2021, G.R. No.792/2021, 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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