

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53969 of 2023

Arising Out of PS. Case No.-269 Year-2023 Thana- BARUN District- Aurangabad

Sanjay Paswan Son Of Rambilash Paswan @ Late Ramvilash Paswan
Resident Of Village- Koshdihra Pipra, P.S- Hariharganj, Dist- Palamu
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 16.06.2023, in connection with Barun P.S. Case No. 269 of 2023, F.I.R. dated 15.06.2023 registered for the offences punishable under Sections 30(a), 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Recovery is of 388.8 litres of Indian made foreign liquor.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that altogether 388.8 litres of Indian made foreign liquor has been recovered from the vehicle



in question (Tata 407 Pick-up van) and it appears from the seizure list itself that nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from vehicle in question and the petitioner is neither the owner nor the driver of the vehicle in question. He further submits that one Upendra Kumar is the owner of the vehicle in question and the petitioner has no concern at all with the alleged recovery of illicit liquor or the vehicle in question. The petitioner is in custody since 16.06.2023.

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

6. Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, I, Aurangabad in connection with Barun P.S. Case No. 269 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 witness, 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 antecedents, 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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