

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69436 of 2022

Arising Out of PS. Case No.-150 Year-2020 Thana- KORHA District- Katihar

RAJESH PASWAN @ RAJESH S/o Yogendra Paswan R/o village- Pichhla,
P.S.- Karandighi, Distt.- Uttar Dinajpur, State- West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhitabh Kumar
For the Opposite Party/s : Mr. Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 04-01-2023 This case is listed out of turn on account of the fact

that the father of the petitioner has died on 02.01.2023 and

he has to perform the rituals.

Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Korha

P. S. Case No. 150 of 2020, registered for the offences

punishable under Sections 30(a) of the Bihar Prohibition and

Excise (Amendment) Act, 2018.

As per allegation, 530 litres of liquor was

recovered from a Pick-up van, bearing Registration No. WB-

59B-0456.



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He also submits that the petitioner is not named in the F.I.R. He further submits nothing has been recovered from the conscious possession of the petitioner. He also submits that the petitioner is the owner of the vehicle and he has given the vehicle to ply the same on commercial basis and he was not aware of the content of the materials loaded in the vehicle.

He further submits that the petitioner has been languishing in jail since 18.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail *vide* Cr. Misc. No. 4289 of 2021, which was rejected on 23.11.2021.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances,



the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional District and Sessions Judge cum Exclusive Special Excise Court No. 2, Katihar, in connection with Korha P. S. Case No. 150 of 2020, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld.



court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

The application stands allowed accordingly.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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