

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56655 of 2023

Arising Out of PS. Case No.-116 Year-2023 Thana- SALIMPUR District- Patna

Raj Kishor Paswan Son of Govind Paswan R/o- Salimpur Ps- Salimpur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh

For the Opposite Party/s : Mr. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-08-2023 Heard the learned counsel for the petitioner and the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Salimpur P.S. Case No. 116 of 2023, registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016. .

3. As per allegation, about 13 litres of country-made liquor were recovered from open space.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that illegal liquor has been recovered from open field which was far away from the house of the petitioner. As such, there is no legal basis to prosecute the



present accused in the present case.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

6. It has further been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

7. However, Ld. APP for the State has opposed the prayer for bail.

8. In view of the aforesaid facts and circumstances no *prima facie* case is made out against the petitioner for want of cogent legal material against him.

9. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, 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 the Ld. Special Judge, Excise, Barh, in connection with Salimpur P.S. Case No. 116 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:



(i) In case, it is brought to the notice of the court below that the petitioner has concealed his criminal antecedent, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) 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 bond of the petitioner.

(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

10. Ld. counsel for the petitioner is directed to remove all the defects 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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