

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64663 of 2022

Arising Out of PS. Case No.-225 Year-2022 Thana- MADHEPURA District- Madhepura

DEEPAK PASWAN S/o Late Abhinandan Paswan Resident of Village-
Jaipalpatti, Ward NO. 15, P.S.- Madhepura, District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Section 30(a) of Bihar Prohibition and Excise
Act.

Recovery is of 185.760 liters of illicit liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present
case. He further submits that it appears from the FIR as well as
seizure list that nothing has been recovered from possession of
the petitioner rather the recovery has been made from under-
construction house of the petitioner. No one is residing in the
said house and the petitioner has no concern at all with the
alleged recovery of illicit liquor. Further submits that there is



non-compliance of Section 100 of the Cr. P.C. and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 09.09.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one.

Considering the aforesaid facts, nothing has been recovered from 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 learned court below where the case is pending in connection with Madhepura P.S.Case No.225 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her 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.



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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