

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61539 of 2023

Arising Out of PS. Case No.-161 Year-2023 Thana- JAYNAGAR District- Madhubani

Durganand Paswan S/O Ramashish Paswan R/O Village- Yogia, P.S.
Ladaniya, Dist. Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
20.04.2023 in connection with Jaynagar P.S. Case No. 161 of
2023, F.I.R. dated 19.04.2023 registered for the offence
punishable under Sections 272,273,414,34 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 90 liters of illicit liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in the present case. Further submits that from a bare
perusal of the FIR as well as the seizure list that nothing has
been recovered from conscious possession of the petitioner
rather the recovery has been made from the vehicle in question



and the petitioner has no concern at all with the alleged recovery of illicit liquor or the vehicle in question and he has been apprehended at the place of occurrence merely on the basis of suspicion and there is non-compliance of Section 100 of Cr.P.C. and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 20.04.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has been apprehended at the place of occurrence and apart from the aforesaid the petitioner carries two more cases other than the present one.

6. Considering the aforesaid facts, nothing has been recovered from conscious 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 A.D.J.-II-cum-Special Judge, Excise Act, Madhubani in connection with SJaynagar P.S. Case No. 161 of 2023, with the following conditions:-

(I) 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.

(II) 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.

(III) 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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