

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61755 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- Excise P.S. District- Nalanda

RAJIV PASWAN S/O LATE NARESH PASWAN R/O VILLAGE-
BASANPUR, P.S- RAHUI, DISTT.- NALANDA AT BIHARSHARIF.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudal Singh, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
17.01.2023 in connection with Excise P.S. Case No. 53 of 2023 ,
F.I.R. dated 16.01.2023 for the offences punishable under
Sections 30(a) of the Bihar Prohibition and Excise Act.

3. The case relates to recovery is of 9 liters of *Chulai*
liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. Further submits that from perusal of the FIR, it
appears that 9 liters of Chulai liquor has been recovered from
the conscious possession of the petitioner and there is non
compliance of Section 100 of the Cr.P.C. He further submits that
the police after investigation submitted the charge sheet against



the petitioner and the petitioner is in custody since 17.01.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries seven criminal antecedent other than the present one, but fairly submits that in all the seven cases petitioner is on bail, as evident from paragraph-3 of the bail petition.

6. Considering the aforesaid facts and circumstances, 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 the learned Additional Sessions Judge, IVth -cum- Exclusive Special Court (Excise) No.2, Nalanda, Bihar Sharif in connection with Excise P.S. Case No. 53 of 2023 , subject to 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 absence on two consecutive dates without sufficient reason, his 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)

Prakash Narayan

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