

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62613 of 2022

Arising Out of PS. Case No.-17 Year-2020 Thana- GAYA KOTWALI District- Gaya

SURESH PASWAN @ SURESH KUMAR Son of Umesh Paswan @ Mauga
Paswan Resident of Mohalla - Murli Hill Bairagi, P.S.- Kotwali, District -
Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Gaya
Kotwali P.S. Case No. 17 of 2020 registered for the offences
punishable under Section 30(a) and 37(ii) of the Bihar
Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery of
204 liter country made liquor from the house of the petitioner
when same was alleged to be raided by police. Apprehended
person disclosed the name of present petitioner who fled away
from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is in custody since 23.05.2022. Petitioner has no



criminal antecedent prior to the present occurrence, but later on one case is lodged against the petitioner after the lodgment of the present case. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits nothing has been recovered from the conscious possession or personal possession of the petitioner. Petitioner is not apprehended on spot. Name of present petitioner has been transpired on the basis of confessional statement of apprehended co-accused Mahadev Manjhi. Petitioner is innocent and has falsely been implicated in the present case. Learned counsel further submits that petitioner is resident of village Bairagi and he has no connection with the place of occurrence from where recovery has been made.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence as submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. I, Gaya in connection with Gaya Kotwali P.S. Case No. 17 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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