

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67449 of 2023

Arising Out of PS. Case No.-232 Year-2023 Thana- CHENARI District- Rohtas

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KALENDRA PASWAN SON OF BRIJ MOHAN PASWAN RESIDENT OF
VILLAGE- LENGAR KEKAI, PS- CHENARI, DISTT- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Adv

For the Opposite Party/s : Mr.Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Chenari P.S. Case No. 232 of 2023 registered on 03.08.2023
lodged under Sections 30(a) of the Bihar Prohibition and Excise
Act (Amendment), 2018.

3. As per the prosecution case, total recovery of 20
litre of illicit liquor is the subject matter of this case.

4. Counsel for the petitioner submits that the said
recovery has not been made from the possession of the
petitioner and the petitioner is a handicap person and his
permanent disability is 75%.(Annexure-2). He submits that
under mysterious condition he has been caught by the police.
Council further submits that from the seizure list, it transpires



that recovery has been made near road which is public place.

5. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 04.08.2023 having one criminal case pending against him, in which he is on bail.

6. Learned counsel for the State opposes the prayer for bail and submits he has one antecedent and it must be taken into consideration at the time of granting bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 1, Rohtas at Sasaram, in connection with Chenari P.S. Case No. 232 of 2023 subject to the following conditions as well as the conditions laid down under Section 437(3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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