

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70983 of 2023

Arising Out of PS. Case No.-207 Year-2023 Thana- BRAHMPUR District- Buxar

Babloo Paswan son of Shiv Badan Paswan resident of village- Chhotaki
Nainijor Ps- Brahmpur Nainijor Distt- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Brahmour (Nainijor) P.S. Case No. 207 of 2023, lodged on
17.04.2023, under Sections 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

3. As per the prosecution case, the FIR has been
lodged against two named accused persons including the
petitioner and total 51.840 liters of wine has been the subject
matter of the present case.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He submits
that alleged recovery was made from the motorcycle and the
motorcycle does not belong to the petitioner. It has been



submitted by the learned counsel for the petitioner that nothing has been recovered from the possession of the petitioner. On the statement of Chaukidar the petitioner's name has come in this case. Counsel further submits that there is one criminal case pending against him in which he is on bail. Counsel further submits that charge sheet has already been submitted in this case and he is in custody since 27.07.2023.

5. Learned counsel for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean but from the record it transpires that petitioner's name has come on the confessional statement of Chaukidar and he is not the owner of the vehicle and not apprehended from the place of occurrence.

6. 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-II, Buxar, in connection with Brahmpur (Nainijor) P.S. Case No.207/2023, subject to the following conditions:

(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.

(Dr. Anshuman, J)

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