

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2323 of 2023

Arising Out of PS. Case No.-293 Year-2022 Thana- AMNAUR District- Saran

Paspati Prasad @ Paspati Kushwaha @ Paspati Kumar Kushwaha S/o Late
Sahdeo Prasad R/o Village- Amnour Harnagar, P.S.- Amnour, distt- Saran at
Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Radha Mohan Singh, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Amnour P.S. Case No. 293 of 2022, registered
for the offences punishable under Sections 30, 30 (a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018 .

The police on secret information with regard to the
sale and purchase of illicit liquor, raided the place of occurrence,
however, noticing the police party two persons succeeded in
fleeing away from the place of occurrence, out of which one
person has been identified as petitioner. It is further alleged that
in course of search total 250 liters of country made liquor was
recovered.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. So far as the alleged recovery is concerned, that has been made from the joint family house of the petitioner, where several persons reside and the petitioner cannot be made solely responsible for the same, apart from the fact that the wife and the daughter of the petitioner, who were apprehended by the police, they have been allowed bail. He further submits that the petitioner having fair antecedent, is in custody since 20.11.2022 and now the investigation of the crime is already complete and the charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that alleged recovery has been made from the joint family house, apart from the fact that there is no compliance of Section 100 of the Cr.P.C., coupled with the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-1st Exclusive Special Judge Excise,



Saran at Chapra in connection with Amnour P.S. Case No. 293 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

manoj/-

U		T	
---	--	---	--

