

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74908 of 2022

Arising Out of PS. Case No.-124 Year-2021 Thana- KADWA District- Katihar

RAJ KISHOR PASWAN @ RAJ KISHORE PASWAN S/O AMOLI
PASWAN Resident at Ward No- 10, Gram, Gaura, P.O.- Morwa-2, Murwara,
P.S.- Birol, District- Darbhanga. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dwij Raj, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-04-2023 Heard the parties.

The petitioner is in custody since 05.08.2022 in connection with Kadwa P.S. Case No. 124 of 2021 under Section 30(a) of Bihar Liquor Prohibition & Excise Act, 2016 lodged on 17.05.2021 by the informant Ranjay Kumar Singh.

The prosecution story, in brief, is that the Informant, A.S.I. of Kadwa P.S. recorded his self statement alleging therein that in night of 17.05.2021, he along with police force was on patrolling duty. After sometime one Bolero Pickup jeep having registration number BR-11-GC-8091 was seen coming. The driver of the Bolero jeep upon asked to stop, the driver escaped. The four wheeler was intercepted and brought to the police station and the informant searched the Pickup vehicle wherein beside tomato bags, onions bags, several cartons of liquor, i.e. total, 540 litres of IMFL liquor was/were recovered, prepared the seizure list accordingly.



It has been contended by the learned counsel for the petitioner that he being the owner was not knowing what the driver was doing as the vehicle was handed over to him. He never realised that in the garb of vegetables, he is keeping the banned liquor.

Further as would manifest from para-3 of the petition, the submission is that he do not have criminal antecedent and lastly without accepting the allegation and/or the outcome of the present case, it has been submitted that the petitioner wants to deposit Rs. 20,000/- to the Patna High Court Legal Services Committee.

Learned APP opposes the prayer stating that there is recovery of foreign liquor from his vehicle and he being the owner cannot escape from the responsibility.

Considering the fact that petitioner is owner of the vehicle, the driver is already an accused, he do not have criminal antecedent and has remained in custody since 05.08.2022 (as stated in para-14 of the petition) this Court is inclined to grant him the privilege of bail subject to payment of Rs. 20,000/- as stated above.

Let the petitioner be released on bail, on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties



of like amount each to the satisfaction of learned ADJ and
Special Excise Court-II, Katihar, in connection with Kadwa P.S.
Case No. 124 of 2021 with 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 bond by the Trial Court itself;

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

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

With the aforesaid observations, the application is
allowed.

(Rajiv Roy, J)

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