

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53549 of 2024

Arising Out of PS. Case No.-579 Year-2022 Thana- BAHERA District- Darbhanga

Rakesh Paswan Son of Videsh Paswan R/O Vill.- Narsinghpur, P.s.- Bahera,
Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Bahera P.S. Case No. 579 of 2022 registered under Section 30 (a) of the Bihar Prohibition and Excise Act lodged on 13.11.2022 by the informant, Arun Kumar Yadav.

3. As per the prosecution story, the informant alleged that on secret information, a person was caught having six bags of ‘*Nepali*’ liquor totalling 172.8 liters. Accordingly, the seizure and the FIR.

4. Learned counsel for the petitioner submits that only because the motorcycle belongs to him, implicated. This was given to one of the villager/accused who has misused the same.

5. Learned APP opposes the prayer and submits that



the motorcycle belongs to him.

6. Taking into account the submissions put forward by the parties as also that the recovery is from another person and the petitioner do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge-II, Excise Act, Darbhanga in connection with Bahera P.S. Case No. 579 of 2022, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her *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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) 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 his bail bonds;

(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.

(Rajiv Roy, J)

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