

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60196 of 2024

Arising Out of PS. Case No.-801 Year-2024 Thana- Excise P.S. District- Jamui

Santosh Kumar Paswan S/o Shambhu Paswan R/o vill - Dumrapokhar, P.S. -
Jhajha, Distt. - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanju Singh, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 31-08-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Jamui Excise P.S. Case No. 801 of 2024,
registered for the offence punishable under Sections 30 (a) of
the Bihar Prohibition & Excise Amendment Act, 2018.

3. The police in course of vehicle checking
intercepted the petitioner, who was riding on a motorcycle. On
search, total 30 liters of illicit *mahua* wine was recovered from
the dickey of the motorcycle.

4. There is total denial of the allegation levelled in the
FIR. Learned Advocate for the petitioner contended that in
course of vehicle checking some altercation has taken place
between the petitioner and police personnel, which resulted into



lodging of the present FIR. However, the petitioner has absolutely clean antecedent and he has never been found in such type of activities. It is further contended that there is other infirmities in the search and seizure. Moreover, the witnesses are none else but the police personnel. Now the petitioner is in custody since 23.07.2024 and the investigation of the crime is complete.

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

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and the charge-sheet has been submitted, 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 Court of Special Judge, Excise-II, Jamui in connection with Jamui Excise P.S. Case No. 801 of 2024, 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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