

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78178 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- Basmatia District- Araria

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Pramod Paswan S/o Late Shikam Paswan Resident of village- Ranipatti, Ward
No.- 01 P.S.-Birpur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Basmatiya P.S. Case No. 26 of 2024 for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act lodged on 06.08.2024 by the informant, Nand Kishore Paswan.

3. As per the prosecution story, the informant on the basis of secret information, reached near the canal and intercepted a motorcycle and from it, recovered/seized 16.125 liters of Nepali liquor. Accordingly, the FIR/arrest.

4. Learned counsel for the petitioner submits that only because of his criminal antecedents, he has been implicated, the vehicle does not belong to him, being the pillion rider had no knowledge about the presence of liquor and he is in custody since 07.08.2024 (paragraph-11 of the petition).



5. Learned APP opposes the prayer for bail submitting that he was present when the motorcycle was intercepted and recovery/seizure was made.

6. Taking into account the submissions put forwarded by the parties as also the fact that he does not own the motorcycle and is in custody since 07.08.2024, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Spl. Judge, Excise-Ist, Araria, in connection with Basmatiya P.S. Case No. 26 of 2024 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his 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 the 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 his bail bonds.

(Rajiv Roy, J)

Adnan/-

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