

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81059 of 2024

Arising Out of PS. Case No.-309 Year-2024 Thana- DEEPNAGAR District- Nalanda

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Guddu Paswan Son of Late Laldeo Paswan R/O-Village- Biyawari, PS-
Deepnagar, District- Nalanda, Bihar Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-11-2024 Heard Mr. Deepak Kumar, learned counsel for the

petitioner and Mr. Sanjay Kumar Pandey, APP.

2. The petitioner is in judicial custody in connection
with Deepnagar P.S. Case No. 309 of 2024 for the offences
punishable under Sections 30(a)/30(c) & 41(1) of the Bihar
Prohibition and Excise Act, lodged on 12.09.2020 by the
informant, Pankaj Kumar Singh.

3. As per the prosecution story, the informant alleged
that upon secret information about the presence of a Bolero Car
and a Pick-Up van parked in the garage, it was raided and after
search of the vehicles 419.25 litres of foreign liquor
recovered/seized which led to the FIR/arrest.

4. Learned counsel for the petitioner submits that he
has no criminal antecedent and is in custody since 13.09.2024
(para-4 of the petition). Nothing has been recovered from his
conscious possession rather from the garage, he shall be
appearing in trial diligently if granted relief and the last
submission is that irrespective of the outcome of the present



case and or accepting the allegation he intends to pay Rs. 10,000/- (Ten thousand) to the District Legal Services Authority, Patna, for installation of steel benches between Kadam Ghat and Krishna Ghat, river front, Patna University area, Patna.

5. Learned APP opposes the prayer submitting that when the seizure made, the petitioner was present in the car.

6. Considering the submissions put forward by the parties as also the fact that he has no criminal antecedent, is in custody since 19.09.2024, FIR lodged, he shall be facing the trial, this Court is inclined to extend him the privilege of bail, subject to the payment of Rs. 10,000/- (Ten thousand) by way of Bank Draft issued by the local State Bank of India in favour of the Executive Officer, Patna Municipal Corporation, Bankipur Circle, Patna for the installation of steel benches between Kadam Ghat and Krishna Ghat, river front, Patna University area and a receipt of the purchase has to be submitted to the Trial court.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-V-cum-Special Judge, Excise, Biharsharif, Nalanda in connection with aforesaid P.S. Case



subject to the following conditions:

(i) one of the bailors 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 appear before the concerned police station every month for next six months 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.

8. List under the heading ‘To be mentioned’ to see the report of the Executive Officer, Patna Municipal Corporation, Bankipur Circle, Patna on 10.01.2025.

(Rajiv Roy, J)

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