

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83770 of 2024

Arising Out of PS. Case No.-308 Year-2024 Thana- PIPRA District- Supaul

Vijay Kumar Paswan @ Vijay Paswan Son of Sakaldev Paswan Resident of
village- Jiwachpur ward No.- 4, PS -Pipra, Distt.- Supaul Petitioner/s
Versus
The State of Bihar Opposite Party/s

Appearance :
For the Petitioner/s : Mr.Rama Kant Singh, Adv.
For the Opposite Party/s : Ms.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-12-2024 Heard Mr. Rama Kant Singh, learned counsel for the

petitioner and the State.

2. The petitioner is in judicial custody in connection
with Pipra P.S. Case No. 308 of 2024 for the offences
punishable under section 30 (a) of the Bihar Prohibition and
Excise Amendment Act lodged on 10.10.2024 by the informant,
Amit Kumar.

3. As per the prosecution story, the police during
patrolling and upon secret information, reached the house of the
petitioner and upon search, from the courtyard, 7.125 litres of
of foreign liquor as well as 300 ML Nepali liquor were
recovered. Further, 126 litres of Nepali liquor were recovered
from the field. Accordingly, the FIR/arrest.

4. Learned counsel for the petitioner submits that it is
a joint house and as such, the accusation cannot be pointed
towards him, the second recovery is from the field which is



again an open place, he has no criminal antecedent and is in custody since 11.10.2024 (para-4 of the petition). The last submission is that irrespective of the outcome of the present case and or accepting the allegation he intends to pay Rs.15,000/- (Fifteen thousand) to the District Legal Services Authority, Supaul, for installation of steel bench/beautification of the Civil Court campus, Supaul.

5. Learned APP opposes the prayer.

6. Considering the submissions put forward by the parties as also the fact that petitioner has no criminal antecedent, recovery/seizure is from a joint house/open field, has remained in custody since 11.10.2024, this Court is inclined to extend him the privilege of bail, subject to the payment of Rs. 15,000/- (Fifteen thousand) through Bank draft issued by the local State Bank of India to the District Legal Services Authority, Supaul, for installation of steel benches/beautification of the Civil Court campus, Supaul. A receipt thereof has to be submitted before the Trial court, Supaul.

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 Special Judge, Excise Court No.1, Supaul in connection with



aforesaid P.S. Case subject to the following conditions:

- (i) one of the bailors should be the family member/relative 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.

(Rajiv Roy, J)

perwez

U		T	
---	--	---	--

