

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84930 of 2023

Arising Out of PS. Case No.-404 Year-2023 Thana- BAHERA District- Darbhanga

Rajesh Paswan @ Jibachh Paswan SON OF LATE RAM PUKAR PASWAN
@ RAMPUKAR PASWAN RESIDENT OF VILLAGE- BENIPUR BAD
WARD NO. 21, PS- BAHERA, DISTT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra
For the Opposite Party/s : Mrs. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Bahera
P.S. Case No. 404 of 2023 registered for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, 30 litre country made
liquor was recovered from motorcycle in question and petitioner
alongwith other was apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR and he has falsely been implicated in this
case. Petitioner is in custody since 24.10.2023 and bears no
criminal antecedent. Petitioner is merely pillion rider and he has



nothing to do with the alleged occurrence. Seized motorcycle does not belong to the petitioner. No incriminating article has been recovered from conscious possession of the petitioner.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-II (Excise Act), Darbhanga in connection with Bahera P.S. Case No. 404 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.



(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) And, further condition that the trial court 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 trial court shall take step for cancellation of bail bond of the petitioner.

(Alok Kumar Pandey, J)

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