

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5208 of 2024

Arising Out of PS. Case No.-68 Year-2023 Thana- RATANPUR District- Supaul

=====

Manoj Paswan @ Bachacha Paswan S/O RAMDEV PASWAN VILLAGE-
NARPATPATTI, WARD NO. 06, PS. RATANPURA, DIST. SUPAUL.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Bhim Kumar Yadav, Adv.

For the Opposite Party/s : Mr.Sucheta Yadav, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Ratanpura P.S. Case No. 68 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, 180 litre Nepali liquor was recovered from the bank of river Koshi at village Narpatpatti and petitioner was apprehended on the spot whereas co-accused Pramod Paswan succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is in custody since 31.10.2023 and bears criminal antecedent of two cases in which he is on bail. Learned counsel



orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that petitioner was apprehended on the spot merely on the basis of suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case. No incriminating article has been recovered from the 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, 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, Excise Supaul, Court No. 2 in connection with Ratanpura P.S. Case No. 68 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.

(Alok Kumar Pandey, J)

alok/-

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

