

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1746 of 2020

Arising Out of PS. Case No.-182 Year-2019 Thana- KUTUMBA District- Aurangabad

1. Santosh Pashwan @ Santosh Paswan, Son of Mangal Paswan, Village-Simri, P.S.- Tandwa, District- Aurangabad
2. Shankar Prasad Gupta, Son of Rambriksh Prasad @ Rambriksh Sah, Resident of Village - Akbarpur, Uchela, P.S.- Rohtas, District- Rohtas

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr.Renuka Ratnakar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-01-2020 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Kutumba P.S. Case No. 182 of 2019 registered for the offences punishable under Section 30(D) of the Bihar Prohibition and Excise Act, 2018.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel submits that nothing incriminating has been recovered from the conscious possession of these petitioners.

Learned A.P.P. for the State has opposed the prayer for



bail.

Considering the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioners that the allegation is that of recovery of Mahua flower from the possession of the petitioners and not illicit liquor and further that the petitioners have no criminal antecedent and have remained in custody since 17.12.2019, considering the nature of the allegations, let on completion of the statutory period of investigation the petitioners above named be released on bail in connection with Kutumba P.S. Case No. 182 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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