

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16363 of 2020**

Arising Out of PS. Case No.-23 Year-2020 Thana- BARHARA District- Bhojpur

1. SUBASH PASWAN @ SUBHASH PASWAN Son of Godhan Paswan
Resident of Village - Ekwana, P.S.- Barhara, Dist. - Bhojpur.
2. Krishna Paswan Son of Ramishwar Paswan Resident of Village - Ekwana,
P.S.- Barhara, Dist. - Bhojpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 12-06-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking anticipatory bail in connection with Excise Case No. 188 of 2020 arising out of Barhara P.S. Case No. 23 of 2020 registered for the offences punishable under Section 30(a) Excise Act.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the illicit liquors have been recovered from an open field from which petitioners have no concern and they have no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.



Considering the facts and circumstances of the case wherein, the illicit liquors have been recovered from an open field, even though it is alleged that the petitioners were seen fleeing away by the *chaukidar* but on finding that the seizure list witnesses are not independent witnesses though police claims that several villagers had assembled in course of raid but there is no allegation that any of the co-villagers identified these petitioners as also that these petitioners have got no criminal antecedent, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today in connection with Excise Case No. 188 of 2020 arising out of Barhara P.S. Case No. 23 of 2020 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J. IV cum Special Judge, Excise, Bhojpur at Ara, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the 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;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

