

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18293 of 2020

Arising Out of PS. Case No.-56 Year-2019 Thana- SAHJAHANPUR District- Patna

1. KAILU PASWAN S/o Late Sadhu Paswan Resident of Village- Arai Dih Musahari, P.S.- Shahjahanpur, Distt- Patna.
2. Sanoj Paswan S/o Late Sadhu Paswan Resident of Village- Arai Dih Musahari, P.S.- Shahjahanpur, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2

For the Opposite Party/s : Mrs. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-05-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard Shri. Manish Kumar No. 2, the learned counsel appearing for the petitioners and Mrs. Anita Kumari Singh, the learned A.P.P. appearing for the State.

The petitioners seek regular bail in connection with Special Case No. 6413 of 2019 arising out of Shahjahanpur P.S. Case No. 56 of 2019 for the offence punishable under Section 30(a) (d) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 120 liters of illicit country made Mahua liquor from a tempo and the name of



the petitioners was disclosed by the local people standing nearby the place of occurrence.

The learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in the present case. It is further submitted that the petitioners are having clean antecedents and are languishing in custody since 15.01.2020. Lastly, it is submitted that the co-accused persons have already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 11.09.2019 passed in Criminal Misc. No. 57251 of 2019.

Per contra, the learned APP appearing for the State has submitted that the petitioners are named in the FIR and there is specific allegation against him.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners as also taking into account the parity of the case of the petitioners with that of the co-accused persons, who have been granted bail by a coordinate Bench of this Court, apart from the fact that the petitioners are having clean antecedents and are languishing in custody since 15.01.2020, I deem it fit and proper to direct for release of the petitioners on bail upon them furnishing personal bond to the satisfaction of



learned Special Judge, Excise, Patna in connection with Special Case No. 6413 of 2019 arising out of Shahjahanpur P.S. Case No. 56 of 2019.

It is further directed that once the lock-down is over and normal situation is restored, the petitioners, above named, shall furnish bail bonds of a sum of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No. 6413 of 2019 arising out of Shahjahanpur P.S. Case No. 56 of 2019, failing which the present privilege of bail being extended to the petitioners shall stand revoked automatically.

The present petition stands allowed.

(Mohit Kumar Shah, J)

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