

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26055 of 2020

Arising Out of PS. Case No.-324 Year-2019 Thana- SIMRI District- Buxar

1. CHANDAN PASWAN Son of Sumer Paswan Resident of Village- Balihar, P.S.- Simari, District- Buxar.
2. Rakesh Paswan Son of Hareram Paswan Resident of Village- Balihar, P.S.- Simari, District- Buxar.
3. Jalim Paswan Son of Late Mohan Paswan Resident of Village- Balihar, P.S.- Simari, District- Buxar.
4. Sattar Paswan Son of Raghunath Paswan Resident of Village- Balihar, P.S.- Simari, District- Buxar.
5. Pintu Paswan Son of Barmeshwar Paswan @ Barhmdev Paswan Resident of Village- Balihar, P.S.- Simari, District- Buxar.
6. Sanjay Paswan Son of Rajan Paswan Resident of Village- Balihar, P.S.- Simari, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Nath
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 20-10-2020 The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners apprehend their arrest in a case registered under Section 30(a) of the Bihar Prohibition Excise Amendment Act, 2018.

It is submitted by learned counsel for the petitioners



that during pendency of this case, petitioner no. 4 Sattar Paswan has already been arrested, as such, he wants to withdraw this application so far as petitioner no. 4 is concerned.

Accordingly, this application is dismissed as withdrawn against petitioner no. 4.

Allegation is recovery of 20 litres of country made liquor from the door of one Jiut Paswan.

It has been submitted on behalf of petitioners that they are innocent and have been falsely implicated in this case only on the basis of village politics and suspicion. It has been further submitted that neither anything was recovered from the possession of petitioners or from their residence nor they were apprehended from the spot rather alleged recovery was made from the door of one Jiut Paswan, as such, no offence under Section 30(a) of Excise Act is made out against them.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioners named above in the event of arrest or surrender before the court below within four weeks from today, Petitioners are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions



Judge-II-cum Special Judge, Excise, Buxar, in connection with Simari P.S. Case No. 324 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be represented on each and every date fixed by the court.

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

(4) If petitioners are found involved in similar nature of offences, after their release on bail the trial court shall take steps to cancel their bail bonds.

(S. Kumar, J)

veena/rajiv-

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

