

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.28549 of 2020**

Arising Out of PS. Case No.-599 Year-2019 Thana- MAHUA District- Vaishali

1. Asharfi Paswan, Son of Late Shibalak Paswan @ Shiv Balak Paswan, Resident of Village- Mahadev Math, P.S.- Mahua, District- Vaishali.
2. Manoj Paswan, Son of Late Shibalak Paswan @ Shiv Balak Paswan, Resident of Village- Mahadev Math, P.S.- Mahua, District- Vaishali

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bela Singh, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-12-2020 Learned counsel for the petitioners undertakes to remove all the defects pointed by the Stamp Reporter within three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Nagendra Prasad, learned A.P.P. for the State.

Petitioners in the present case are seeking pre-arrest bail in connection with Mahua P.S. Case No. 599 of 2019 registered for the offences punishable under Sections 30(a), 32(ii), 34(ii), 38(ii) and 41(i) 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 as there is no recovery of illicit liquor from their possession. Learned counsel submits that the name of the petitioners has transpired in the confessional statement of the co-accused Ranjit Paswan and Munna Paswan.

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

Having regard to the facts and circumstances of the case, wherein the recovery of illicit liquor is said to have been made from the house of co-accused Ranjit Paswan and Munna Paswan and the only material against the petitioners is that their names were taken by said Ranjit Paswan and Munna Paswan as the persons who had fled away and apart from that there is no other material to connect them in the present case, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Vaishali in connection with Mahua P.S. Case No. 599 of 2019, subject to the condition 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.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.

This application is allowed.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

