

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.34131 of 2020**

Arising Out of PS. Case No.-82 Year-2020 Thana- DEO District- Aurangabad

1. SANTOSH KUMAR Son of Rajendra Kumar Paswan @ Rajendra Paswan Resident of Village - Pasiya Bhandari, P.S. - Deo, District - Aurangabad.
2. Rajesh Kumar Paswan Son of Ramdeni Paswan Resident of Village - Pasiya Bhandari, P.S. - Deo, District - Aurangabad.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.Arun Kumar Singh No. 5, APP

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

2 16-12-2020 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Learned counsel for the petitioners have not joined the proceeding. Mr. Arun Kumar Singh No. 5, learned APP for the State is present.

The petitioners in the present case are seeking regular bail in connection with Deo P.S. Case No. 82 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Act.

Learned counsel for the petitioners submits that while the informant was involved in vehicle checking, one motorcycle tried to escape but on chase the motorcycle was intercepted and the petitioners riding on the motorcycle were apprehended. On search the



informant recovered illicit liquor from their possession.

Learned counsel submits that the petitioners have falsely been implicated in this case. It is submitted that there is no independent witness of the seizure and the petitioners are in custody since 08.08.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case, wherein this Court has noticed from the materials available on the record that petitioner no. 1 is said to be the person who was driving the motorcycle in question where as the co-accused Rajesh Kumar Paswan (petitioner no. 2) was the pillion rider having a bag in which illicit liquors were found but the seizure list witnesses are the police officials and the petitioners have remained in jail in connection with this case for more than 4 months, they have otherwise no criminal antecedent and at this stage there is no submission on behalf of the State that the release of the petitioners on bail may in any way result in tampering with evidence or interfering with the course of trial, let the petitioners above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each, to the satisfaction of learned Additional Sessions Judge VII-cum-Special Judge (Excise), Aurangabad in connection with Deo P.S. Case No. 82 of 2020 , subject to the conditions as laid down under Section 437(3) of the



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.

And further condition that they will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

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.

The application is 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'.

