

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79569 of 2019

Arising Out of PS. Case No.-439 Year-2019 Thana- BARAUNI District- Begusarai

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1. CHANO PASWAN @ CHANDRADEV PASWAN Son of Sri Sonu Paswan
 2. Dharmveer Paswan Son of Sri Chano Paswan @ Chandradev Paswan
 3. Mithilesh Paswan @ Mithilesh Kumar, Son of Sri Chano Paswan @ Chandradev Paswan
- All are Resident of Village - Bathauli, P.S.- Barauni, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 22-01-2020 Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2016.

Allegation is recovery of 99 litres of foreign liquor from a cultivable field which was concealed in a bush and on seeing the police, three miscreants present there fled away and Chowkidar and villagers identified them as petitioners.

It has been submitted that petitioners have got no criminal antecedent and they are not involved in illicit trade of liquor and have been falsely implicated in this case on account of village rivalry and animosity. It has further been submitted



that petitioners have neither been apprehended on the spot nor any illicit liquor has been recovered from their possession as such no offence under Excise Act is made out.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Barauni P.S. Case No.439 of 2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C 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 properly represented on each and every date fixed by the court.

(3) If the petitioners tamper 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 the 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)

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