

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15289 of 2021

Arising Out of PS. Case No.-198 Year-2020 Thana- DAGARUA District- Purnia

1. VISHAL KUMAR PASWAN S/O- Shree Ramesh Paswan Resident of Raatno Patti, P.S. - Sadar, District - Darbhanga.
2. ARVIND KUMAR GUPTA S/O- Ram Narayan Sah Resident of Raatno Patti, P.S. - Sadar, District - Darbhanga.

... .. Petitioners.

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim

For the Opposite Party/s : Mr. Satyanand Shukla

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-08-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioners undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in a case registered for the offence punishable under Section 272 & 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

285.750 liters of foreign liquor is said to have been



recovered from two different vehicles and petitioners were apprehended.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. No incriminating article has been recovered from their conscious physical possession. They have no concern either with the seized liquor or the vehicle in question or any trade of liquor. They have been falsely implicated in this case by the police as some altercation took place with them due to non coughing up of illegal graft demanded by them. Petitioner no.2 is the driver and petitioner no.1 is the co-passenger of the Maruti Dezire vehicle. They have no criminal antecedent and have been languishing in custody since 22.11.2020.

Petitioner no.1 is agreed to deposit a sum of Rs.5,000.00 (Rupees Five Thousand) and petitioner no.2 is agreed to deposit a sum of Rs.15,000.00 (Rupees Fifteen Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with



two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Dagarua P.S. Case No.198 of 2020, subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioners, who will give an affidavit giving genealogy as to how he is related with the petitioners. He will also undertake to inform the Court if there is any change in the address of the petitioners.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioners is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs.5,000.00 (Rupees Five Thousand) by petitioner no.1 and Rs.15,000.00 (Rupees Fifteen Thousand) by petitioner no.2 in the PM Cares fund.

(Anjani Kumar Sharan, J)

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