

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18135 of 2021

Arising Out of PS. Case No.-61 Year-2020 Thana- ANTI District- Gaya

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1. Umesh Paswan, S/o Late Ramatar Paswan, Resident of Village- Chandi Sthan Jamainiya, P.S.- Anti, District- Gaya.
 2. Chhotu @ Rohit Kumar, S/o Bisheshwar Paswan, Resident of Village- Chandi Sthan Jamainiya, P.S.- Anti, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-10-2021 Heard learned counsel for the petitioners and the
learned APP for the State.

The petitioners seek bail in connection with Anti
P.S. Case No.61 of 2020 instituted for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2016.

There is an alleged recovery of 75 litres illicit
country made liquor from the motorcycle of the petitioners.
They have been arrested while fleeing away.

The submission is that the petitioners are in
custody since 28.12.2020. It is a case of false implication and
the petitioners have no criminal antecedents. It is submitted that



recovery is not in accordance with law and the petitioners were *bona fide* passers-by and have become the victim of circumstances.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II cum Special Judge, Excise, Gaya, in connection with Anti P.S. Case No.61 of 2020, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail



to do so on two consecutive dates, their
bail bonds will be liable to be cancelled.

This Court would expect that the petitioners’ counsel
would honour his undertaking in the instant proceedings
regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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