

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21202 of 2021

Arising Out of PS. Case No.-206 Year-2019 Thana- GHANSHYAMPUR District- Darbhanga

1. UDAY PASWAN Son of Horil Paswan Resident of Village - Karkauli, P.S.- Ghanshyampur, Distt.- Darbhanga.
2. Jairam Paswan Son of Horil Paswan Resident of Village - Karkauli, P.S.- Ghanshyampur, Distt.- Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Prasad, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-11-2021 Heard Sri Nawal Kishore Prasad, learned counsel appearing for the petitioners and Sri Nand Kishore Prasad, learned A.P.P. for the State.

The petitioners seek regular bail in connection with Ghanshyampur P.S. Case No. 206 of 2019, registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that in course of patrolling duty, the Police of Ghanshyampur Police Station, Darbhanga got internal information that petitioners along with other co-accused are involved in trading and manufacturing of illicit liquor. On raid, 234 litre, contained in three cartons, of different brands of Indian Made Foreign Liquor were



recovered from the house of Uday Paswan (Petitioner No.1) and about 155.25 litres of illicit liquor packed in different brands of English wine were seized from the house of Jairam Paswan (Petitioner No.2).

Learned counsel appearing for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in this case. He further submits that petitioners have been languishing in jail custody since 09.10.2020 and as such they deserve to be released on bail.

Learned A.P.P., however, opposes the prayer for grant of bail of the petitioners.

Having considered the facts and circumstances of the case and the antecedent of the petitioners, I am inclined to release the petitioners on bail subject to the condition that any of their close relative or their responsible person furnishes Bank Draft of Rs.1,50,000/- (Rs. One lakh fifty thousand) in favour of Bihar State Legal Services Authority at Patna in court below, which shall be retained by the Court below to see that the petitioners do not involve in any other similar case or any case and if the Bank Draft of aforesaid amount is deposited in manner stated above then the petitioners shall be released forthwith upon furnishing bail bond of Rs. 20,000/-(Rupees



Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge (Excise), Darbhanga in connection with Ghanshyampur P.S. Case No. 206 of 2019, subject to the following conditions:-

(I) That one of the bailors of the petitioner shall be his close relative. Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(II) That the petitioners shall not indulge in any similar offence till conclusion of the trial. 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.

(III) The petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(IV) If the petitioners tamper with the evidence or the witnesses of the case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

It is made clear that if the petitioners are involved subsequently in another excise matter or in any other case then



the amount of bank draft will be deposited in the account of Bihar State Legal Services Authority, Patna. If the Court below finds the conduct of the petitioners are uniformly good, then the said draft be returned back to the petitioners on such appropriate terms and conditions fixed by the court below.

(Purnendu Singh, J)

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