

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26867 of 2021

Arising Out of PS. Case No.-109 Year-2020 Thana- PANJWARA District- Banka

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1. Rakesh Kumar Gupta, Son of Shankar Prasad Gupta Resident of Village - Amarpur Chowk, Police Station - Amarpur, District - Banka.
 2. Vishnu Paswan, Son of Late Paswan Resident of Village - Amarpur Chowk, Police Station - Amarpur, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.

For the Opposite Party/s : Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 08-12-2021 Heard learned counsel appearing on behalf of the
petitioners as well as learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioners who are in custody since 27.12.2020 seek
bail in connection with Panjwara P.S. Case No.109 of 2020
corresponding to Special Case No.783 of 2020 registered for
offence punishable under Sections 30(a) and 32(2) of the Bihar
Prohibition and Excise Act, 2016.

Prosecution case in brief, is that altogether 125.625
liters of illicit foreign liquor was recovered and seized from a
tempo bearing Engine No. SL NO R7F0411437.

Learned counsel appearing on behalf of the petitioners



submit that petitioner no.1 is the driver of the said tempo and against him one case relating to Amarpur P.S. Case No.352 of 2017 also under Section 30(a) of Excise Act is pending whereas petitioner no.2 has no criminal antecedent. He further submits that petitioner no.1 has been roped in the present case just because he is made an accused in the said case whereas petitioner no.2 has no connection nothing with the seized items. He further submits that petitioner no.2 was passenger on the said vehicle. He further draws attention of this Court that the seizure list has not been prepared before any independent witness and they were forced to put their signature on the said seizure list.

Learned counsel appearing on behalf of the State opposes the prayer for bail.

Considering the rival submission made by the parties and the relevant facts as well as the seizure list, it is directed that the court below after verifying the criminal antecedent of the petitioners and on being satisfied release the petitioners on furnishing bail bond of Rs.5,00,000/-(Rupees Five Lacs) with two sureties of the like amount each to the satisfaction of learned Additional Special Judge, IInd, Banka in connection with Panjwara P.S. Case No.109 of 2020 corresponding to



Special Case No.783 of 2020, subject to the 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 petitioner.

(4) If the petitioners are found involved in similar nature of offence, after release on bail, the trial court shall take steps to cancel their bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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