

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32070 of 2020

Arising Out of PS Case No.-134 Year-2020 Thana- SARAIYA District- Muzaffarpur

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1. Santosh Kumar Paswan, Gender-Male, aged about 29 years, Son of Raj Narayan Paswan, Resident of Village- Kuldeep Chhapra, PS- Saraiya, District- Muzaffarpur.
 2. Nagendra Rai, Gender-Male, aged about 25 years, Son of Nathuni Rai, Resident of village- Marwa Pakar, PS- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the State : Mr. Umeshanand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 09-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Alok Kumar Alok, learned counsel for the petitioners and Mr. Umeshanand Pandit, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Saraiya PS Case No. 134 of 2020 dated 03.03.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act').



4. The allegation against the petitioners is that 38.420 litres of illicit liquor which was seized by the police from the mustard field of Pappu Mahto, belonged to them.

5. Learned counsel for the petitioners submitted that they have been falsely implicated as there is no material to connect them with the recovered liquor and even in the FIR it is stated that on the basis of information by the spy, their names have been disclosed without giving any details. It was further submitted that the petitioners have no criminal antecedent.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in Saraiya PS Case No. 134 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that



they shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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