

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40519 of 2020

Arising Out of PS. Case No.-299 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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1. NITESH KUMAR PASWAN @ NITESH PASWAN S/O KHENARI PASWAN @ KINARI PASWAN R/O VILLAGE-VISHANPUR WARD NO 14 @ GARWA BISHUNPUR @ GARHWA BISHUNPUR, P.S.-MAJORGANJ, DISTRICT-SITAMARHI.
 2. MEGHNATH PASWAN @ MEDHNATH PASWAN S/O LATE PASPAT PASWAN R/O VILLAGE-BISHANPUR WARD NO 14 @ GARWA BISHUNPUR @ GARHWA BISHUNPUR, P.S.-MAJORGANJ, DISTRICT-SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-02-2021 Heard learned counsel for the petitioners and learned
A.P.P for the State.

The petitioners seek bail in C2 Case No. 299 of 2020,
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

125.1 litres of Nepali Saufi wine has been recovered
from possession of these petitioners while the same is being
smuggled from Nepal to India.

It is submitted that nothing has been recovered from
conscious possession of the petitioners. Chargesheet has already



been submitted. Petitioners are in custody since 20.08.2020 having clean antecedent, as stated in para 3 of the petition.

Considering the facts and circumstances of the case, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge II-cum-Special Judge (Excise Act), Sitamarhi in connection with C2 Case No. 299 of 2020, subject to following conditions:-

(i) The petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(ii) 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 petitioners.

(Prabhat Kumar Singh, J)

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