

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13048 of 2021**

Arising Out of PS. Case No.-214 Year-2020 Thana- CHAUTHAM District- Khagaria

1. Ranjesh Kumar @ Rajesh Paswan S/O Deban Paswan Resident Of Village Rupni P.S Chautham District Khagaria
2. Sharvan Singh S/O Amirchandra Singh R/O Village-Navada, P.S-Chautham, District-Khagaria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.M.K. Khare, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 17-06-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Chautham P.S. Case No. 214/2020 registered for the offences punishable under Section 30(a) (f)/32(3) of Bihar Prohibition & Excise Act.

As per prosecution story, the informant got secret information that Diwakar Paswan along with another person coming in Scorpio Vehicle and are indulged in the business of illicit wine, he started checking and on seeing the police party



they fled away and on search total 108 liters of illicit liquor were recovered.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case, nothing incriminating articles were recovered from the physical or conscious possession of the petitioners and they are in custody since 05.10.2020 and 04.10.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein this court has noticed that so far as petitioner no. 1 is concerned, his name has transpired in the confessional statement of the co-accused Diwakar Paswan, he has got one criminal antecedent and he is in custody in connection with this case since 05.10.2020, investigation against him is complete, considering the period of custody and that he has only one criminal antecedent, this Court directs release of the petitioner no. 1 above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Khagaria, in connection with Chautham P.S. Case No. 214/2020, subject to the condition as laid down under



Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner no. 1 and in case at any stage it is found that the petitioner no. 1 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 1. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

So far as petitioner no. 2 is concerned, though his name has also come in the confessional statement of the co-accused and he is in custody since 04.10.2020, this Court finds



that he has got six criminal antecedents and at least three of them are of similar offence, whereas other three cases are also under major sections of the Indian Penal Code, this Court is not inclined to release him on bail at this stage.

Prayer for regular bail of petitioner no. 2 is, thus, refused.

Let the trial be expedited. The trial court is expected to proceed with the trial as early as possible. If the trial remains unconcluded for a period of nine months from today, the petitioner no. 2 may renew his prayer for bail.

This application is partly allowed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

