

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8845 of 2021

Arising Out of PS. Case No.-282 Year-2020 Thana- GOPALPUR District- Patna

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1. SURAJ DEO PASWAN @ SURYA Son of Sonelal Paswan Resident of Village- Baiman Tola, P.S.- Gopalpur, District- Patna.
 2. Kanhaiya Paswan Son of Suraj Deo Paswan @ Surya Resident of Village- Baiman Tola, P.S.- Gopalpur, District- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhirendra Singh, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-05-2021 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 Gopalpur P.S. Case No. 282/2020 (Special Case No. 5980/2020) registered for the offences punishable under Section 30(a), 37(b)(c) of Bihar Prohibition & Excise Act.

As per prosecution story, while the informant was on patrolling duty with his associates and reached near the Khatal of Suryadeo Paswan and saw that one person and one woman are selling wine which was kept in a bag, thereafter informant searched and seized total 145 liters of Mahua wine from the Khatal.



Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case and they are in custody since 09.10.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that as per allegations 145 liters of Mahua wine have been recovered from the Khatal in question, the petitioners have nothing to do with recovered Mahua wine and they are in custody in connection with the present case since 09.10.2020, prior to this case they had no criminal antecedent, investigation against them is complete and their further incarceration in jail is not likely to come in aid of investigation or prosecution, this Court directs release of the petitioners 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, Patna, in connection with Gopalpur P.S. Case No. 282/2020 (Special Case No. 5980/2020), 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajeev Ranjan Prasad, J)

Rajeev/vats

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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'

