

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1999 of 2022

Arising Out of PS. Case No.-326 Year-2021 Thana- KHIJARSARAI District- Gaya

1. Deenanath Paswan @ Jaiprakash Paswan S/O Binodi Paswan @ Binod Paswan R/O Village- Deogaon, P.S.- Khizersarai, District- Gaya
2. Doman Paswan @ Jaiprakash Paswan @ Ranjan Paswan S/O Ramdeep Paswan R/O Village- Deogaon, P.S.- Khizersarai, District- Gaya
3. Butta Paswan @ Jaiprakash Paswan @ Ranjan Paswan S/O Ramdeep Paswan R/O Village- Deogaon, P.S.- Khizersarai, District- Gaya

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Advocate
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-02-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned APP for the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

Learned counsel for the petitioners is permitted to make necessary correction in the name of petitioner no. 1 in the cause title.

The petitioners are apprehending their arrest in a case



registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 20 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The names of the petitioners have transpired on the basis of disclosure made by local Chowkidar. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 20 liters wine is recovered from a bush situated by the side of the bank of the river. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.



Considering the aforesaid facts and circumstances, the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned Additional Sessions Judge-II-cum- Special Judge, Excise, Gaya in connection with Khizersarai P.S. Case No. 326/21, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

