

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2902 of 2022

Arising Out of PS. Case No.-728 Year-2020 Thana- JAHANABAD District- Jehanabad

1. DILA PASWAN Son of Late Ramchandra Paswan Resident of Village- South Daulatpur, P.S.- Jehanabad, District- Jehanabad.
2. Upendra Kumar @ Upendra Paswan @ Natu Son of Preman Paswan Resident of Village- South Daulatpur, P.S.- Jehanabad, District- Jehanabad.
3. Satyendra Paswan Son of Preman Paswan Resident of Village- South Daulatpur, P.S.- Jehanabad, District- Jehanabad.
4. Chintu Paswan @ Pintu Kumar Son of Yogi Paswan Resident of Village- South Daulatpur, P.S.- Jehanabad, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, 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.

The petitioners are apprehending their arrest in a case registered under Sections 30(a) and 30(d) of the Bihar Prohibition



and Excise Act, 2016.

The prosecution case, in short, is that 2 kg urea and 5200 kg mahua are 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 the local residents. The names of local residents, who have named the petitioners, have not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 2 kg urea and 5200 kg mahua are recovered by the side of river out of which 5200 kg mahua was destroyed. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner 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 Act, Jehanabad in connection with Jehanabad P.S. Case No. 728 of 2020, 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)

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