

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4649 of 2022

Arising Out of PS. Case No.-339 Year-2021 Thana- JAGDISHPUR District- Bhagalpur

1. VINAY PASWAN S/O JAGDISH PASWAN R/o village- Bakhari Bujurg,
P.S.- Musari Dharari, District- Samastipur
2. RAJESH SAHNI S/O LATE RAMJI SAHNI R/o village- Godda Rupouli,
Ward No. 02, P.S.- Musari Dharari, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioners seek bail in connection with
Jagdishpur P.S. Case No. 339 of 2021 registered for the offences
punishable under Sections 30(a), 41(i) (2) of Bihar Prohibition
and Excise (Amendment) Act, 2016.

As per prosecution case, there is alleged recovery
of 2439 litre English wine from the truck in question and
petitioner no. 1 is driver and petitioner no. 2 is khalasi of the
said truck and they were apprehended on the spot.



Learned counsel for the petitioners submits that petitioners are in custody since 08.10.2021 and bear no criminal antecedent. Petitioners are neither owner of the truck nor owner of the alleged seized liquor. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. Petitioners have no concern or connection with the alleged recovered liquor. Seizure list has not been made as per law.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioners and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge (Excise Act), Bhagalpur in connection with Jagdishpur P.S. Case No. 339 of 2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.



(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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