

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16254 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- SABAUR District- Bhagalpur

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MUKESH PASWAN Son of Chandeshwari Paswan Resident of Village -
Bardaha, P.S.- Ghailar, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 16524 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- SABAUR District- Bhagalpur

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MD. GAFFAR Son of Md. Subhan Resident of Village - Baijnathpur
(Gamharia), P.s.- Sour Bazar, Distt.- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 16254 of 2022)

For the Petitioner/s : Mr.Indeshwari Prasad Mandal

For the Opposite Party/s : Mr.A.G.

(In CRIMINAL MISCELLANEOUS No. 16524 of 2022)

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioners and

learned A.P.P. for the State through virtual court proceeding.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks from the date of resumption of

physical filing and physical removal of defect.

In the present case, the petitioners seek bail in



connection with Sabour (Goradih) P.S. Case No. 25 of 2022 registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that during checking of vehicle, the petitioners were apprehended from intercepted vehicle, from which 123.750 liters of Indian made foreign liquor was recovered.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioner Mukesh Paswan is the driver of the seized vehicle and he has no knowledge about the contraband as the owner of the vehicle stated the consignment to be cosmetic articles. On the other hand, learned counsel for the petitioner Md. Gaffar submits that the vehicle does not belong to the petitioner and he has got no concern with co-accused Mukesh Paswan, another petitioner. Charge sheet has been submitted in this case and the petitioners are in custody since 23.01.2022.

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

Having regard to the submissions made hereinabove and considering the fact that charge sheet has been submitted



and further considering the period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act-cum-A.D.J.-XII, Bhagalpur in connection with Sabour P.S. Case No. 25 of 2022, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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