

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19704 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- BIDUPUR District- Vaishali

1. VISHUN PASWAN Son of Rajballam Paswan Resident of Village - Kaithaulia, P.s.- Bidupur, Distt.- Vaishali.
2. Harikanth Ray Son of Vashisht Ray Resident of Village - Kaithaulia, P.s.- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Namrata Mishra, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 30(a)(b)(c) of the Bihar Prohibition and Excise Act.

Recovery is of 20600 liters of semi prepared raw Jawa and 140 liters country made liquor.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that in fact nothing has been recovered from the conscious possession of the petitioners but mere on



suspicion, the name of these petitioners have been apprehended in this case. He further submits that the petitioners are not indulged in illegal trade of liquor nor they have got any concern with the alleged recovery. He further submits that the name of these petitioners surfaced in this case on the disclosure made by the Chaukidar. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioner No.1 is rotting in judicial custody since 09.02.2022 whereas the petitioner No.2 is languishing in custody since 21.02.2022.

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

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bidupur P.S. Case No. 60 of 2022 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the



Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) 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.

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.

(Rajesh Kumar Verma, J)

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