

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21096 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- GHORASAHAN District- East
Champaran

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1. Hari Om Paswan Son of Banka Paswan Resident of Village- Kudarkat, P.S.-
Chhauradano, District- East Champaran at Motihari.
 2. Rajkishore Sah S/o Mahendra Sah Resident of Village- Kudarkat, P.S.-
Chhauradano, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deep Anshuman, Advocate.

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-07-2022 Learned counsel for the petitioners is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Deep Anshuman, learned counsel for the
petitioners as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioners,
above named, who have been made accused and put behind the
bar in connection with Ghorasahan (Jitna) P. S. Case No. 65 of
2022 registered for the offences punishable under Sections 272,
273 read with 34 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise Act, 2016.



As per the prosecution case, it is alleged that while the petitioners and others were coming from the Nepal side, they were tried to apprehend by the S.S.B., however, only two persons, the present petitioners, were apprehended and the rest succeed in fleeing away. On search being made, in 11 sacks, total 315 litres Nepali liquor has been recovered.

Learned counsel appearing on behalf of the petitioners submitted that in fact, nothing has been recovered from the person or possession of these petitioners but only on account of suspicion they were arrested by S.S.B.. It is next submitted that the petitioners are men of fair antecedent and he is in custody since 14.02.2022, though the investigation of the crime is already completed and the charge-sheet has been submitted. It is lastly submitted that even from the F.I.R., It is evident that there were several persons, who were coming from Nepal side with sacks on their heads and such, the petitioners cannot be held responsible for all the recovery.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioners were apprehended by the SSB and from their possession illicit wine has been recovered.

Having considered the submissions made on behalf



of the parties and taking into account the nature of allegation as also the fact that the investigation of the crime is already completed and the charge-sheet has been submitted, apart from that the petitioners are in custody since 14.02.2022, having fair antecedent in as much as keeping the petitioners behind the bar would serve no further purpose, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Motihari, East Champaran in connection with Ghorasahan (Jitna) P. S. Case No. 65 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will



liable to be cancelled.

(Harish Kumar, J)

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