

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24160 of 2022

Arising Out of PS. Case No.-4 Year-2022 Thana- SIMRA District- Aurangabad

1. CHANDAN PASWAN @ CHANDAN KUMAR S/o Binod Paswan R/o village- Bahadurpur, P.S.- Simra, District- Aurangabad (Bihar)
2. Nagendra Singh S/o Late Naresh Singh R/o village- Bahadurpur, P.S.- Simra, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-08-2022 Heard learned counsel for the parties through video conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioners are an accused in connection with Simra P.S. Case No. 04 of 2022 under Sections 30(a) of the Bihar Prohibition and Excise Act (Amendment) Act, 2018.

The allegation in the FIR is that the police intercepted a motorcycle having plastic bag from which 51 liters of countrymade liquor was recovered/seized. Accordingly, the FIR was lodged and the petitioners came into judicial custody.

Learned counsel for the petitioners submits that for



the said alleged act, they have already suffered by being in jail since 14.02.2022 (as stated in paragraph-1 of the bail application), they have no criminal and as such, they deserves bail.

Taking into account the aforesaid facts that the petitioners have no criminal antecedent, are in jail since 14.02.2022 and the charge sheet stands submitted, this court is inclined to grant them the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of like amount each to the satisfaction of Special Judge, Excise-1st, Aurangabad (Bihar) in connection with Simra P.S. Case No. 150 of 2022, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail their cancellation of bail by the Trial Court itself;

(iii) they shall shall appear before the concerned police station every fortnight for next six months to mark his



presence;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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