

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30406 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- NALANDA District- Nalanda

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1. DHARMAM RAJ PASWAN @ DHARMRAJ PASWAN SON OF RAMASHRAY PASWAN R/O- VILL-DULLA CHAK, P.S.- NALANDA, DIST.- NALANDA
 2. DEEPAK KUMAR SON OF GIRANI PASWAN R/O- VILL-DULLA CHAK, P.S.- NALANDA, DIST.- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad
For the Opposite Party/s : Mr. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2022 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 Nalanda P.S. Case No. 36 of 2022 registered for the offences punishable under Sections 30(a), 30(c), and 30(d) of the Bihar Excise (Prohibition) Amendment Act, 2016.

As per prosecution case, there is alleged recovery of 14 liters country made liquor from the house of the petitioner Deepak Kumar. Petitioner Dharmam Raj Paswan was arrested on the spot who disclosed the name of petitioner Deepak Kumar



as fled away person.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. Petitioners are in custody since 28.02.2022. Petitioner No.1 bears three criminal antecedents and petitioner No.2 bears two criminal antecedents. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence 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 Special Judge, Excise-II, Nalanda, Bihar Sharif in connection with Nalanda P.S. Case No. 36 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has 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 without appropriate permission, 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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