

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39711 of 2021

Arising Out of PS. Case No.-109 Year-2021 Thana- KATRA District- Muzaffarpur

1. KUNDAN PASWAN S/o Late Bindeshwar Pashwan Resident of Village- Yajuar @ Jajuara, P.S.- Katra, District- Muzaffarpur.
2. VIJAY PASWAN Son of Late Shivdhari Paswan Resident of Village- Yajuar @ Jaiuara, P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjana

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioners, who are in custody since 04.05.2021, seeks bail in connection with Katra P.S. Case No. 109 of 2021, for the offence punishable under Section 414/34 of the Indian Penal Code and Section 30(a), 32 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that altogether 3566.160 litres and 25.920 litres of Indian Made Foreign Liquor was recovered from the room of one Arun Thakur and from



bikes parked in front of his house.

Learned counsel appearing on behalf of the petitioners submits that petitioners have got clean antecedent and they have falsely been implicated in this case. He further submits that petitioners are not the owner of the vehicle from which the alleged liquor is said to be recovered. He further submits that similarly situated co-accused, namely, Shatrughan Mishra has already been released on bail by a co-ordinate Bench of this Court on 08.10.2021 passed in Criminal Miscellaneous No. 40933 of 2021.

Learned A.P.P. for the State, however, opposes the prayer for grant of bail to the petitioner with submission that huge quantity of illicit liquor has been recovered. He further submits that trade of illicit liquor is rampant in the State of Bihar and the petitioners are member of such organized trade and as such they do not deserve to be released on bail.

Considering the aforesaid facts and circumstances of the case, it is directed that the learned Court below after verifying the criminal antecedent of the petitioner from the Superintendent of Police, Muzaffarpur and after being satisfied no criminal case or excise case is pending against the petitioner as what has been stated in paragraph No.03 of the bail petition,



the petitioners, above named, be released on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Katra P.S. Case No. 109 of 2021 subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

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

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(Purnendu Singh, J)

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