

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30745 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- DEODHA District- Madhubani

1. Kamlesh Kumar Paswan Son Of Shivshankar Paswan R/O Village- Sugauna Katrahi, P.S.- Rahika, District- Madhubani
2. Durgesh Kumar Paswan Son Of Late Sushil Paswan R/O Village- Sugauna Katrahi, P.S.- Rahika, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate,
For the Opposite Party/s : Mr. Nityanand, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-08-2022 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. Gagan Deo Yadav, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Devdha P. S. Case no. 24 of 2022 registered for the offences punishable under Sections 272, 273, 414 read with 34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act.

As per the prosecution case, it is alleged that in course of vehicle checking, the petitioners, who were coming on motorcycle, on noticing the police party tried to flee away,



however, they apprehend and on being search, from the possession of petitioner no. 1, 35.520 litres and from possession of petitioner no. 2, 48 litres Nepali Soufi wine was recovered.

Learned counsel appearing on behalf of the petitioners submitted that in fact, nothing has been recovered from the person or possession of the petitioners and only in course of vehicle checking, some altercation took place due to which the name of the petitioners have been implicated in this case, though the petitioners have neither any concern with the seized motorcycle nor with the illicit wine. It is further submitted that so far the seizure lists are concerned, there is no compliance of the provisions of section 100 of the Cr.P.C. It is next submitted that the petitioners having fair antecedent, are in custody since 15.03.2022 and moreover, the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioners have neither any concern with the seized motorcycle nor with the illicit wine and moreover, both the petitioners having fair



antecedent, are in custody since 15.03.2022, 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 Additional Sessions Judge II-cum-Special Judge Excise Act, Madhubani in connection with Devdha P. S. Case no. 24 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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