

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31230 of 2022

Arising Out of PS. Case No.-712 Year-2021 Thana- KANTI District- Muzaffarpur

1. Savita Devi W/O- Rajkishore Paswan @ Guddu Paswan R/O Village- Sirsiya, P.S.- Kanti, District- Muzaffarpur
2. Lal Babu Paswan Son of Late Harifan Paswan R/O Village- Sirsiya, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 25-08-2022 Heard learned counsel appearing on behalf of the
petitioners and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Kanti P.S.
Case No. 712 of 2021 registered for the offence under Sections
272 and 273 of the Indian Penal Code and Sections 47, 30(a),
30(c), 34, 36 and 37(d) of Bihar Prohibition and Excise Act.

The accused/petitioners are named in the F.I.R. and
are in custody since 11.11.2021.



The allegation against the petitioners is to involve in the illegal trading and illicit liquor (spurious), where 100 ml of illicit liquor was recovered.

Learned counsel appearing on behalf of the petitioners submitted that the spurious liquor was recovered mainly from the house of co-accused, namely, Raj Kishore Paswan @ Guddu Paswan, against whom, a separate proceeding u/s 302 has already been initiated. It is submitted that the house in issue is jointly occupied, as such, it cannot be said to be recovered from the conscious physical possession of the petitioners. It is further submitted that no sample, out of the seized spurious liquor, was sent for FSL, as seizure list is not supporting the same. It is also submitted that seizure list is disputed, as same is not supported by independent witnesses, which appears to be in violation of Section 100(4) of the Cr.P.C. While concluding the argument, it is submitted that petitioners are persons of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned



above, as seizure list is disputed, where recovery was made from the jointly occupied house coupled with the fact that chargesheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Kanti P.S. Case No. 712 of 2021 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 Court No.II, Muzaffarpur/concerned Court, subject to the following conditions:

“(i) That accused/petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioners.

(ii) That accused/petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners, duly supported by



the documents.

(iii) That one of the bailors shall be Shila Devi, who is the mother-in-law of the petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

