

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42177 of 2022

Arising Out of PS. Case No.-116 Year-2020 Thana- LADANIA District- Madhubani

1. SURESH PASWAN Son of Dukhi Paswan Resident of Village - Pathrahi, Ward No. 13, P.S.- Ladaniya, District - Madhubani.
2. Rajendra paswan Son of Dukhi Paswan Resident of Village - Pathrahi, Ward No. 13, P.S.- Ladaniya, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate.

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 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. Ravi Prakash, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Ladaniya P. S. Case No. 116 of 2020 registered for the offences punishable under Sections 272, and 273 of the Indian Penal Code and Section 30 (d) of the Bihar Prohibition and Excise Act.



As per the prosecution case, it is alleged that the police, on a secret information, raided the house of one Ravi Paswan, however, on noticing, the police party three persons succeeded in fleeing away. On search, altogether 200 litres semi liquid country-made liquor and other apparatus used for manufacturing of liquor was recovered. It is also alleged that the apprehended accused person disclosed the name of the petitioners and others.

Learned counsel appearing on behalf of the petitioners submitted that the petitioners were neither apprehended at the spot nor any incriminating material has been recovered from their persons or possession. Form the F.I.R., it would be evident that the alleged recovery has been made from the house of Ravi Paswan and the petitioners have neither any concern with the apprehended accused persons nor with the alleged recovered incriminating materials and moreover, the petitioners having fair antecedent, are in custody since 05.06.2022 and after completion of the investigation, charge-sheet has been submitted,

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

Regard being had to the submissions made on



behalf of the parties and taking into account the fact that the petitioners were neither apprehended at the spot nor any incriminating material has been recovered from their persons or possession and the alleged recovery has been made from the house of the co-accused person and moreover, the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge- II-cum-Special Judge Excise Act, Madhubani in connection with Ladaniya P. S. Case No. 116 of 2020, 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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