

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44743 of 2022

Arising Out of PS. Case No.-63 Year-2022 Thana- KASMA District- Aurangabad

1. Niranjana Kumar Paswan, Son Of Yogendra Paswan, R/O Village- Saraiya, P.S.- Gurua, Dist.- Gaya
2. Manman Paswan, Son Of Ramautar Paswan, R/O Village- Saraiya, P.S.- Gurua, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioners and learned APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioners seek bail in connection with Kasma P.S. Case No. 63 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, total recovery of 105 litres of country made liquor was made from a motorcycle being driven by petitioner no.1 and the petitioner no.2 was pillion rider on it.

The learned counsel for the petitioners submits that



the petitioners have nothing to do with the recovery of alleged liquor and nothing incriminating has been recovered from their conscious possession. The motorcycle from which recovery is stated to be made does not belong to the petitioners and the owner has already been made accused in this case. As a matter of fact the real culprit fled away from the spot leaving behind the illicit liquor along with the motorcycle seized in this case. Charge-sheet has been submitted in this case and the petitioners are in custody since 23.05.2022. Petitioners are having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the clean antecedent of the petitioners along with submission of charge-sheet and period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise -1st, Aurangabad in connection with Kasma P.S. Case No. 63 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :



(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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