

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66377 of 2021

Arising Out of PS. Case No.-155 Year-2021 Thana- GANGABRIDGE District- Vaishali

1. RAMBABU PASWAN Son of Baleshwar Paswan Resident of Village - Saidpur Ganesh, P.s.- Bidupur, Distt.- Vaishali.
2. Rajesh Paswan Son of Umesh Paswan Resident of Village - Saidpur Ganesh, P.s.- Bidupur, Distt.- Vaishali.
3. Paras Paswan Son of Jageshwar Paswan Resident of Village - Saidpur Ganesh, P.s.- Bidupur, Distt.- Vaishali.
4. Pappu Paswan Son of Nathu Bhagat @ Nathu Paswan Resident of Village - Saidpur Ganesh, P.s.- Bidupur, Distt.- Vaishali.
5. Pankaj Kumar Son of Nathu Bhagat @ Nathu Paswan Resident of Village - Saidpur Ganesh, P.s.- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate.
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 17-08-2022 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. Lakshmindra Kumar Yadav, 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 Ganga Bridge P. S. Case No. 155 of 2021



registered for the offences punishable under Sections 467, 468, 471, 420, 120 (B) read with 34 of the Indian Penal Code and Sections 30 (a), 36 and 41 (1) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the Police, on a confidential information that a huge consignment of illegal liquor is being transported over a truck, raided the place of occurrence and found that some persons are engaged in unloading the illicit wine from the truck in question and the same are being loaded in a Pick-Up Van. Further, one Brezza Car and one Apache motorcycle were found parked there. On noticing the police, some persons succeeded in fleeing away, however, nine persons including the petitioners were apprehended and on search, altogether 4290 litres Indian made foreign liquor was recovered from the truck and Pick-Up Van.

Learned counsel appearing on behalf of the petitioners submitted that from the contents of F.I.R., it is evident that the petitioners were found engaged in loading and unloading of the illicit wine and in fact, they are labourers and were asked to load and unload by the owner of the truck and Pick-Up Van. It is further submitted that the petitioners has neither any concern with the vehicles, which were seized at the



place of occurrence nor with the illicit wine, which was recovered from the vehicle. It is next submitted that the petitioners are labourers earning their livelihood as daily wagers. It is lastly submitted that the petitioners are in custody since 20.07.2021, having fair antecedent and moreover, after completion of the investigation, the charge sheet has been submitted and there is no likelihood of commencement of trial in near future.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioners were arrested at the spot.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioners being labourers, having no criminal antecedent were found indulged in loading and unloading of illicit wine kept in cartoons and they are in custody since 20.07.2021, 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 Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with Ganga Bridge P. S. Case No. 155 of 2021, 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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