

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57877 of 2022

Arising Out of PS. Case No.-208 Year-2022 Thana- ROHTAS District- Rohtas

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Dhanjee Paswan @ Dhanji Paswan Son of Late Pyare Paswan R/V- Tumba,
P.S- Rohtas, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 59309 of 2022

Arising Out of PS. Case No.-208 Year-2022 Thana- ROHTAS District- Rohtas

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Aditya Paswan @ Aadit Ram Son of Late Rupu Paswan @ Rupu Ram
Resident of Tumba, P.S- Rohtas, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 57877 of 2022)

For the Petitioner/s : Mr. Surendra Kumar Choubey

For the Opposite Party/s : Mr. Arvind Kumar Pandey

(In CRIMINAL MISCELLANEOUS No. 59309 of 2022)

For the Petitioner/s : Mr. Md Fazle Karim

For the Opposite Party/s : Mr. Anant Kumar I

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-11-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Rohtas

P.S. Case No. 208 of 2022, registered for the offences

punishable under Section 30(a) of the Bihar Prohibition and

Excise (Amendment) Act, 2018.



As per allegation, 125 litres of Mahua country made liquor were recovered from the open space.

The learned counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioners.

The petitioners have been languishing in jail since 06.07.2022 and 11.06.2022 respectively.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner no. 3 of the petition that petitioner no. 1 namely, Dhanjee Paswan has earlier been made accused in two more cases and petitioner no. 2 namely, Aditya Paswan has no criminal antecedents.

However, the learned APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on



bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Exclusive Special Excise Court No. 2-cum- Additional District and Session Judge, Rohtas at Sasaram in connection with Rohtas P.S. Case No. 208 of 2022 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other



than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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