

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 54435 of 2022

Arising Out of PS. Case No.-485 Year-2022 Thana- MASAUDHI District- Patna

1. Dukhi Paswan @ Dukhu Paswan, Son of Late Bhajan Paswan, Resident of Village - Sukathiya, P.s.- Masaudhi, Distt.- Patna.
2. Sandip Paswan, Son of Dukhi Paswan @ Dukhu Paswan, Resident of Village - Sukathiya, P.s.- Masaudhi, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 55517 of 2022

Arising Out of PS. Case No.-485 Year-2022 Thana- MASAUDHI District- Patna

1. Vidhya Vikash Kumar, Son Of Jitendra Yadav, R/O Sukathiya, P.S.- Masaurhi, Distt.- Patna
2. Deepak Kumar Son Of Rambabu Singh, R/O Selarpur, P.S.- Karpi, Distt.- Arwal

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 54435 of 2022)

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 55517 of 2022)

For the Petitioner/s : Mr. Ram Babu, Advocate

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Since both the applications arise out of Masaudhi P.S. Case No. 485 of 2022 (Special Case No. 4492 of 2022), as such, they have been taken together and are being disposed of by this common order.



Heard learned counsels for the petitioners and learned APP for the State.

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 Masaudhi P.S. Case No. 485 of 2022 (Special Case No. 4492 of 2022) registered for the alleged offences under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, the police conducted a raid on secret information about some persons loading illicit country made liquor on a pick-up vehicle. During this raid, the petitioners along with co-accused persons were apprehended. Recovery of 630 liters of country made *mahua* liquor was made from the place of occurrence.

The learned counsels for the petitioners submit that the petitioners have been falsely implicated in this case and they have not committed any offence. The petitioners have got no concern with the allegedly seized liquors or with the pick-up vehicle. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners are in custody since 01.08.2022 and charge-sheet has been submitted



in this case.

Learned APP opposes the prayer for bail of the petitioners submitting that the petitioners Dukhi Paswan @ Dukhu Paswan and Sandip Paswan are having criminal antecedents and they appear to be the habitual offender.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the submission of charge-sheet along with period of custody of the petitioners, they 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 Act, Patna in connection with Masaudhi P.S. Case No. 485 of 2022 (Special Case No. 4492 of 2022), subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 for 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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