

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56448 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- SALAIYA District- Aurangabad

1. Neeraj Paswan, S/o- Ravindra Paswan @ Ravindra Pau, Resident of Village- Kona Tikri, P.S.- Rafiganj, District- Aurangabad
2. Ravindra Paswan @ Ravindra Pau S/O Ram Prasad Paswan, Resident of Village- Kona Tikri, P.S.- Rafiganj, District- Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel 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 Salaiya P.S. Case No. 73 of 2022 registered for
the alleged offences under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, petitioners were apprehended
with 80 liters of country made *mahua* liquor while they had
been going on motorcycle, keeping a bag in between them, in
which the liquor was kept.



The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has even taken place. The petitioner No.1 is the son of petitioner No.2 and it is highly improbable that both son and father would transport liquor on a single motorcycle. The mother of petitioner No.1 is a sitting ward members and present false case has been instituted only with a view to tarnish her image in the next election. The petitioners are in custody since 14.08.2022 and charge-sheet has been submitted in this case. The petitioner No.1 has antecedent of one case whereas there is no criminal history of petitioner No.2

Learned APP opposes the prayer for bail.

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 Exclusive Special Judge-I, Excise Act, Aurangabad in connection with Salaiya P.S. Case No. 73 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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