

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56132 of 2022

Arising Out of PS. Case No.-79 Year-2022 Thana- TILAUTHU District- Rohtas

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1. Uma Shankar Kumar S/O Dara Paswan, Resident Of Village- Tilauthu, P.S.- Tilauthu, District- Rohtas.
 2. Saroj Paswan S/O Late Ramadhar Paswan, Resident Of Village- Tilauthu, P.S.- Tilauthu, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual mode.

The petitioners seek regular bail in connection with
Tilauthu P.S. Case No. 79 of 2022 lodged under Section 30(a) of
Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, total recovery of 250 litre
desi wine has been made, which is subject matter of the present
case.

Learned counsel for the petitioners submits that as per
the seizure list said recovery was made near a bush situated in

way to Burhi Ghat in Tilauthu station. He further submits that petitioners are innocent and have committed no offence. He further submits that there is one criminal antecedent against petitioner no.1 and petitioner no.2 is a man of clean antecedent. He further submits that petitioners are in custody since 25.05.2022 and nothing was recovered from their conscious possession.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.2 cum Addl. District and Sessions Judge, Rohtas at Sasaram in connection with Tilauthu P.S. Case No. 79 of 2022.

Subject to the conditions, for petitioner no.1, as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed. In case of non-appearance for two consecutive dates

without sufficient cause, his bail shall be cancelled.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

And subject to the conditions, for petitioner no.2, as laid down under Section 437(3) of Cr.P.C only.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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