

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58933 of 2022**

Arising Out of PS. Case No.-431 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Gaya

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1. Rajesh Paswan, Son of Bigu Paswan, R/V- Ekamba Bagewar, P.S- Kothi, Distt.- Gaya
  2. Gautam Kumar, Son of Harendra Paswan, R/V- Barakala bot, P.S- Kothi, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Arya Achint, Advocate

For the Opposite Party/s : Mr. Tapeshwar Sharma, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      25-11-2022                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State through virtual court proceeding.

Let the defect (s), if any, 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 Excise P.S. Case No. 431 of 2022 registered  
for the alleged offences under Section 30(a) and 56(b) of the  
Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, Excise Officials received  
secret information about transportation of a consignment of  
illicit liquor. One Honda City car was intercepted and two  
persons from this car were apprehended. Recovery of 144.00

liters of India made foreign liquor was made from this car. The petitioners are the apprehended persons.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The petitioners have got no connection with the whole occurrence. Nothing incriminating has been recovered from the conscious possession of this petitioners and they were not aware about the items which were recovered from the vehicle. There is no independent witness to the whole occurrence or to witness search and seizure. The prosecution report has been submitted in this case and the petitioner are in custody since 16.07.2022. The petitioners have got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Having regard to the submission made on behalf of the parties and considering the fact that the petitioners were not apprehended from the spot and no recovery has been shown from them and also considering the submission of prosecution report along with period of custody of the petitioners and their clean antecedent, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand)each with two sureties of the like amount each to the

satisfaction of learned Exclusive Excise Judge 3, Gaya, Bihar in connection with Gaya Excise P.S. Case No. 431 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

Gautam/daya

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