

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1688 of 2022

Arising Out of PS. Case No.-214 Year-2021 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. DEEPAK KUMAR PASWAN @ DEEPAK PASWAN Son of Ganesh Paswan Resident of Village- Rampur, Ward No. 13, P.S.- Hasanpur, District- Samastipur (Bihar).
 2. Ram Babu Yadav Son of Late Hem Narain Yadav @ Hem Narayan Yadav Resident of Village- Bahorra, P.S.- Kusheshwar Asthan, District- Darbhanga (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra
For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 24-06-2022 The present matter has been listed under the heading
“To Be Mentioned” on the basis of motion slip filed on behalf of
the petitioner.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioners and
learned A.P.P. for the State in virtual court proceeding.

The petitioners seek bail in connection with
Kuxheshwar Asthan P.S. Case No. 214 of 2021 registered for
the offences punishable under Section 30(a) of Bihar Prohibition
and Excise Act, 2016.



As per prosecution case, the informant and police official searched the truck as well as container in question and there is huge recovery of 2628.360 litre foreign liquor along with Rs. 27,500/- cash from the container in question. Petitioners and other were apprehended on the spot.

Learned counsel for the petitioners submits that petitioners are in custody since 20.11.2021 and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. Nothing has been recovered from the conscious possession of the petitioners. Petitioner no. 1 is working as labour in Shiv Ratri Traders and he has no knowledge about the foreign liquor loaded in the truck (container) in question and petitioner no. 2 is owner of empty truck from which nothing has been recovered.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to



the satisfaction of learned Additional Sessions Judge 2nd cum Special Judge, (Excise Act), Darbhanga in connection with Kueheshwar Asthan P.S. Case No. 214 of 2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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