

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3691 of 2023

Arising Out of PS. Case No.-593 Year-2022 Thana- GRIYAK District- Nalanda

1. MANOJ PASWAN S/o Kedar Paswan R/o Village- Daud Nagar, P.S.- Bidupur, Distt- Vaishali.
2. Mukesh Kumar S/o Lal Mohan Paswan R/o Village- Daud Nagar, P.S.- Bidupur, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar, Adv.

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Giriyak P.S. Case No. 593 of 2022 registered for the offence under Sections 30(a), 32(i)(ii) and 36(z) of the Bihar Prohibition and Excise Act.

Recovery is of 1791 liters of foreign liquor.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that from bare perusal of the F.I.R. and the seizure list, it appears that nothing has been recovered from



the conscious possession of the petitioners rather the alleged recovery has been made from the truck in question. He further submits that the petitioners are happen to be driver and the khalasi of the truck in question, respectively and they have no concern at all with the alleged recovery. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 16.11.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Nalanda in connection with Giriyak P.S. Case No. 593 of 2022 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the



Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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