

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36817 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- MANIGACHI District- Darbhanga

1. RAJU PASWAN Son of Kusheshwar Paswan Resident of village - Maqusuda, P.S. - Pandaul, Distt. - Madhubani.
2. Dilip Paswan Son of Vindeshwar Paswan Resident of village - Laxmipur Kanhai @ Lakshmipur Kanuwahi, P.S. - Sakri, Distt. - Madhubani.
3. Andhir Chaupal Son of Ram Chaupal Resident of village - Laxmipur Kanhai @ Lakshmipur Kanuwahi, P.S. - Sakri, Distt. - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad
For the Opposite Party/s : Mrs.Rita Verma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-06-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Manigachhi (Nehra O.P.) P.S. Case No. 42/2023 registered for the offences punishable under Sections 467, 468, 471, 420, 120(B) of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of total 6899.655 liters foreign liquor from three different vehicles. The petitioners and others apprehended on the spot and mobile phones were also recovered from each of them.



Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. The petitioners are languishing in custody since 24.02.2023 and bear no criminal antecedent. He further submits that petitioners are neither owner nor driver of the said vehicles in question. Co-accused Badri Paswan on similar allegation has already been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 32858/2023.

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

Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge-II (Excise Act), Darbhanga in connection with Manigachhi (Nehra O.P.) P.S. Case No. 42/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has 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 without appropriate permission, 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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