

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47705 of 2023

Arising Out of PS. Case No.-418 Year-2023 Thana- FATUA District- Patna

Shrawan Paswan @ Sarwan Paswan S/O Late Basant Paswan R/O Village-
Fajalli Chak, Ps. Fatuha, Dist. Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47929 of 2023

Arising Out of PS. Case No.-418 Year-2023 Thana- FATUA District- Patna

Vidyanand Singh S/O Late Sidheswar Singh R/O Village- Sonaru, Permanent
Address- Village- Janardanpur, P.S. Fatuha, Dist. Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 47705 of 2023)

For the Petitioner/s : Mr.Vijay Anand, Advocate

For the Opposite Party/s : Mrs.Sucheta Yadav,APP

(In CRIMINAL MISCELLANEOUS No. 47929 of 2023)

For the Petitioner/s : Mr.Vijay Anand, Advocate

For the Opposite Party/s : Mrs.Sucheta Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State in both the applications.

2. The petitioners seek bail, who are in custody since
08.06.2023 in connection with Fatuha P.S.Case No.418 of
2023, F.I.R. dated 07.06.2023 registered for the offence
punishable under Sections 30(a)of Bihar Prohibition and Excise



Amendment Act, 2018 and Sections 25(1-b)a/26/35 of the Arms Act.

3. As per prosecution case, all the FIR named accused persons apprehended on the spot and from the place of occurrence total 30 liters illegal liquor, one country made pistol and two live cartridges were recovered.

4. Learned counsel appearing for the petitioners submits that the petitioner-Shrawan Paswan @ Sarwan Paswan has clean antecedent and petitioner-Vidyanand Singh carries two more cases other than the present one. They have falsely been implicated in the present case. Further submits that from bare perusal of the FIR as well as the seizure list that nothing has been recovered from conscious possession or the house of the petitioners rather the recovery has been made from the Mango Orchard of one Lala Jee and petitioners have no concern at all with the alleged recovery of illicit liquor or the arms. Further submits that no arms has been recovered from possession of the petitioners so no case is made out under the Arms Act against the petitioners and the similarly situated co-accused, namely, Dharmendra Paswan has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 28.07.2023 passed in Cr. Misc. No. 45323 of 2023 and the petitioners are in



custody since 08.06.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioners.

6. Considering the aforesaid fact, let the petitioners, above named, 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 Exclusive Special Court of Excise, Patna City in connection with Fatuha P.S. Case No.418 of 2023, with the following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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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