

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57917 of 2023

Arising Out of PS. Case No.-443 Year-2023 Thana- BIDUPUR District- Vaishali

1. Dinesh Paswan S/O- Bhikhari Paswan Village- Panapur Quam Ps- Bidupur Dist- Vaishali
2. Aman Kumar son of Harendra Rai Village- Shitalpur Kamalpur Ps- Bidupur Dist- Vaishali
3. Shiv Chandra Paswan son of Biltu Paswan Village- Dharampur Ram Ray Ps- Bidupur Dist- Vaishali
4. Pappu Paswan @ Pappu Kumar Paswan son of Ramchandra Paswan village- Kutubpur Dighra Ps- Bidupur Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-09-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners seek bail, who are in custody since 28.07.2023, in connection with Bidupur P.S. Case No. 443 of 2023, F.I.R. dated 27.07.2023 registered for the offences punishable under Sections 420, 467, 468, 471, 120(B) of the Indian Penal Code and Sections 30(a), 32(ii)(iii), 36, 41(i)(ii) of the Bihar Prohibition and Excise Act.

3. Recovery is of 8829 litres of *Indian made foreign liquor*.

4. Learned counsel for the petitioners submits that



the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the petitioners are labourers and they have no concern at all with the alleged recovery of illicit liquor or the vehicles in question and it appears from the F.I.R. that nothing has been recovered from the conscious possessions of the petitioners rather recovery has been made from the vehicles in question. He further submits that the petitioners are in custody since 28.07.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioners and having clean antecedents, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1-cum-Additional District & Sessions Judge, Vaishali at Hajipur, in connection with Bidupur P.S. Case No. 443 of 2023, subject to 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 bonds shall be cancelled by the Court below.

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

(3) 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 antecedents, 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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