

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61126 of 2022

Arising Out of PS. Case No.-200 Year-2022 Thana- DUMARIAGHAT District- East
Champaran

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1. RAHUL PASWAN Son of Baidyanath Paswan R/V- Beroi, P.S- Hathaudi,
Dist- Muzaffarpur
 2. Md. Waqar Son of Abdullah @ Md. Lalbabu @ Abdullah Lalbabu R/V-
Khanpur, P.S- Hathaudi, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Majid Mahboob Khan

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 13-01-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with
Dumariyaghat P.S. Case No. 200 of 2022, registered for the
offences punishable under Section 30(a) of Bihar Prohibition
and Excise Act, 2016.

As per allegation, total 228.60 litres of foreign
liquor was recovered from a Zylo Pick Up.

Ld. counsel for the petitioners submit that the
petitioners are innocent and have falsely been implicated in
this case. They further submit that the petitioners were



neither the driver nor the owner of the vehicle and thus they were not aware of the content of the materials loaded in the vehicle. They further submit that nothing has been recovered from the conscious possession of the petitioners. They also submit that search and seizure has not been made as per the procedure as prescribed under Section 100 Cr. P.C.

They further submit that the petitioners have been languishing in jail since 15.09.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have earlier been made accused in one and four other cases respectively.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with



two sureties of the like amount each to the satisfaction of
Ld. Special Judge, Excise Court No. 2, East Champaran at
Motihari in connection with Dumariyaghat P.S. Case No. 200
of 2022 on the following conditions:

(i) The petitioners will make themselves available
for interrogation by a police officer/court as and when
required.

(ii) The petitioners will undertake that
investigation/trial will not hamper on account of their
absence or non-cooperation. They must be available to the
police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly
make any inducement, threat or promise to any person
acquainted with the facts of the case so as to dissuade them
from disclosing such facts to the court or to any police
officer.

(iv) In case, it is brought to the notice of the court
below that the petitioners have criminal antecedents other
than the disclosed one, Ld. court below shall cancel the bail
bond of the petitioners after hearing them and getting



satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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