

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70408 of 2023

Arising Out of PS. Case No.-313 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

1. Pappu Chaudhary Son Of Moti Chaudhary Resident Of Village- Sita Bigha, Ps- Sasaram (M), Distt- Rohtas At Sasaram
2. Sanjay Paswan @ Sanjay Kumar Son Of Chandrama Paswan Resident Of Village- Sita Bigha, Ps- Sasaram (M), Distt- Rohtas At Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Sasaram (M) P.S. Case No. 313 of 2021 dated 21.08.2021, instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Allegation is of recovery of 54 litres foreign liquor and 5 litres spirit from paddy field near *Kali Mandir* Sita Bigha.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that nothing has been recovered either from the conscious possession of the petitioners or from



the house of the petitioners. It is submitted that petitioners have no concern with the said liquor and spirits, which were recovered from the paddy field near Kali Mandir Sita Bigha. Lastly, it has been submitted that petitioner no. 1 has clean antecedent and so far petitioner no. 2 is concerned, he has one criminal case against him.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners in connection with Sasaram (M) P.S. Case No. 313 of 2021, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 2-cum-Additional District and Sessions Judge, Rohtas at Sasaram, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates



without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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