

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72868 of 2023

Arising Out of PS. Case No.-332 Year-2023 Thana- GRIYAK District- Nalanda

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1. SANTOSH PASWAN SON OF NARESH PASWAN R/O VILLAGE-AHIYACHAK, P.S.- KATRISARAI (GIRIYAK), DISTRICT- NALANDA
 2. MITHILESH PASWAN SON OF NARESH PASWAN R/O VILLAGE-AHIYACHAK, P.S.- KATRISARAI (GIRIYAK), DISTRICT- NALANDA
 3. PANKAJ KUMAR SON OF NARESH PASWAN R/O VILLAGE-AHIYACHAK, P.S.- KATRISARAI (GIRIYAK), DISTRICT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Advocate
For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with GiriyaK (Katrisarai) P.S. Case No. 332 of 2023 registered under Sections 419, 420, 467, 468, 471, 379, 120B and 34 and Section 66C, 66D of the I.T. Act, Section 25C of the Indian Telegraphic Act and Section 30 (a) of the Bihar Prohibition & Excise Amendment Act, 2018 lodged on 03.07.2023 by the informant, Sharad Kumar Ranjan.

3. As per the prosecution story, the police on secret information along with the police force, the house of the three petitioners were raided and in the presence of police witnesses,



6.750 of foreign liquor as also laptops and mobiles were recovered/seized and the allegation is that these were used for cyber crime as also for delivery of liquor

4. Learned counsel for the petitioners submit that only to implicate the three brothers, a story has been created in which the witnesses are the police itself and further though the allegation of cyber crime has been made, the same has not been elaborated. The last submission is that they do not have criminal antecedent.

5. Learned APP opposes the prayer bail stating that there is recovery 6.750 of foreign liquor.

6. Considering the aforesaid submissions put forward by the petitioner as also the fact that none of them have criminal antecedent and they are in custody since 04.07.2023, this Court is inclined to extend them the privilege of bail.

7. Let the petitioners be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J. V cum Special Judge, Excise – I, Nalanda, Bihar Sharif in connection with Giriyak (Katrisarai) P.S. Case No. 332/2023 subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

However, if it is found that they have criminal antecedent, the bail order passed against him/them shall become infructuous.

(Rajiv Roy, J)

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