

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72828 of 2023

Arising Out of PS. Case No.-674 Year-2023 Thana- FATUA District- Patna

1. Vicky Paswan Son Of Vinay Paswan R/O Village- Bankipur Gorakh, P.S.- Fatuha, Dist.- Patna
2. Deepu Paswan Son Of Vinay Paswan R/O Village- Bankipur Gorakh, P.S.- Fatuha, Dist.- Patna
3. Niraj Kumar @ Happu Son Of Dilip Paswan R/O Village- Bankipur Gorakh, P.S.- Fatuha, Dist.- Patna
4. Ritik Kumar Son Of Binod Paswan R/O Village- Bankipur Gorakh, P.S.- Fatuha, Dist.- Patna
5. Suraj Kumar @ Gilla Son Of Binod Paswan R/O Village- Bankipur Gorakh, P.S.- Fatuha, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kahkashan Alam, Adv.
For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Fatuha P.S. Case No. 674 of 2023 dated 08-09-2023, instituted for the offence punishable under Section 30(a), of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. There is alleged recovery of 27.78 liters of illicit foreign liquor from the three motorcycles.

4. Learned counsel for the petitioners submits that



petitioners are innocent and have falsely been implicated in this case. The petitioners have been made accused only on the basis of suspicion and disclosure made by the villagers. It is submitted that nothing has been recovered either from the conscious possession or from the house of the petitioners. It is next submitted that petitioners are neither the owner of seized motorcycles nor driver of the said motorcycles. Two criminal cases are pending against the petitioners since before, as per statement made in para 3 of the petition.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender before the learned Court below within six weeks from today, the petitioners be released on 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 Court of Excise, Patna City in connection with Fatuha P.S. Case No. 674 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C. and further (i) that the petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their 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, and (iv) that 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.

(Khatim Reza, J)

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