

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40300 of 2024

Arising Out of PS. Case No.-477 Year-2021 Thana- MASAUDHI District- Patna

1. Raghunandan Paswan S/o Late Laxman Paswan R/o Village Sukdiya PS Masaurhi Dist Patna
2. Amarjeet Paswan S/o Girish Paswan R/o Village Sukdiya PS Masaurhi Dist Patna
3. Kundan Paswan @ Kundan Kumar S/o Dukhu paswan R/o Village Sukdiya PS Masaurhi Dist Patna
4. Sudhanshu Paswan S/o Raghunandan Paswan R/o Village Sukdiya PS Masaurhi Dist Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-07-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Masauri P.S. Case No. 477 of 2021, Special Case No. 5640 of 2021 instituted under Section 328 of the Indian Penal Code and 30(a) 30(c) of Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 7.9.2021 by the informant, Manoj Kumar Singh.

3. As per the prosecution story, the informant alleged that the Special Task Force Excise Unit was patrolling and upon secret information that near the 'Morhan River'/Palm and Mango trees, 20-25 persons are selling illegal wine, reached there and found 7 to 8 'Bhattis' with country made wine totalling 11,000 liters in 55 drums beside the 180 liters of country made wine.



Accordingly, the same was recovered/seized, destroyed and FIR lodged against the named accused.

4. Learned counsel for the petitioners submit that they are farmers, nothing to do with the alleged recovery and only due to village enmity, have been implicated. Further, they do not have criminal history. Last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to pay Rs. 5000/- each (totalling Rs. 20,000/-) to be issued in the name of the Executive Officer, Patna Municipal Corporation (Bankipur Circle) and the amount is to be used exclusively for the installation of tap water at Kadamghat near River Front, Patna and sitting podium/bench for the ladies sanitation workers of the P.M.C. as despite several requests to its S.D.O. (Mr. Rahul) for the last three months, by all concerned, he did not do anything and sanitation workers are deprived even of basic necessity.

5. Learned APP opposes the prayer submitting that the Excise Team raided and beside the country made wine, 11,000 liters of wine was recovered/seized which was/were destroyed.

6. Taking into account the fact that the recovery is near the river/Palm-Mango trees and not from their conscious possession, they do not have criminal antecedent, FIR lodged, they will be facing the trial, this Court is inclined to extend them the



privilege of anticipatory bail subject to payment of Rs. 5000/- each (totalling Rs 20,000/-) to be paid to the Executive Officer, Patna Municipal Corporation (Bankipur Circle) Patna through Bank Draft issued by the local State Bank of India. The amount shall be used exclusively for the installation of tap water facility near Kadamghat, River Front, Patna including construction of sitting podium or installation of plastic chairs within four weeks and the receipts of the expenditure has to be submitted to the concerned Court in sin of the case.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Masauri P.S. Case No. 477 of 2021 to the satisfaction of learned Court of Special Judge, Excise-03, Patna subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her 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 co-operate in the investigation and make themselves available to the police as and when required;

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

(v) 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 the bail bonds;

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

8. Let a copy be sent to the office of the Executive Officer, Patna Municipal Corporation (Bankipur Circle) for his perusal and necessary action.

(Rajiv Roy, J)

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