

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72462 of 2023

Arising Out of PS. Case No.-432 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

1. CHOTU PASWAN @ CHHOTU PASWAN S/O LATE UMESH PASWAN
R/o vill - Rajpur, P.S. - Rajpur, Distt. - Rohtas at Sasaram
2. Saddam Hussain Son of Abbash Mansuri R/o vill - Rajpur, P.S. - Rajpur,
Distt. - Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chhote Lal Mishra

For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 29-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Mohania P.S. Case No. 432 of 2023 registered for the offences punishable under Sections 414 of the IPC and 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, 146.760 litre illicit liquor was recovered from Scorpio vehicle in question which was being driven by petitioner no. 1 and both the petitioners apprehended on the spot.

4. Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any



offence as alleged in the FIR. He further submits that petitioners are not owner of the vehicle in question. Petitioner no. 1 is driver and petitioner no. 2 is khalasi of the said vehicle and they have to follow the instruction of the owner to earn their livelihood. No incriminating article has been recovered from conscious possession of the petitioners. Petitioners have no knowledge regarding the alleged liquor that has been kept in the vehicle in question. Petitioners are in custody since 26.06.2023 and bear no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-1, Kaimur at Bhabua in connection with



Mohania P.S. Case No. 432 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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