

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25782 of 2017

Arising Out of PS.Case No. -84 Year- 2017 Thana -AMARPUR District- BANKA

- =====
1. Kapil Paswan, Son of Ganga Paswan.
 2. Prabhu Paswan, Son of Ganga Paswan, Both are resident of Village-Dhandhour, P.S. Sajour (Shahkund) District-Bhagalpur.
- Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Adv.

For the Opposite Party/s : Mr. B.N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-06-2017 Heard Sri Brij Nandan Prasad, learned counsel for the petitioners and Sri B.N. Pandey, learned A.P.P. for the State.

The petitioners in the present case are seeking regular bail in connection with Amarpur P.S. Case No. 84 of 2017 for offence registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that there is allegation of recovery of 100 pieces of country made liquor from the possession of petitioner No.1 and 75 pouches of country made liquor from the possession of the petitioner No.2. The petitioners were traveling on a tempo/three wheelers and they were not aware of the bags lying in the said three wheeler, therefore, the petitioners were not in conscious possession of the liquor. Further submission is that petitioners have got clean antecedent and are languishing in



jail from 10.03.2017 and seizure is not in accordance with Section 100 Cr.P.C.

Learned A.P.P. opposed the prayer for bail.

Considering the facts and circumstances of the case and clean antecedent of the petitioners and that they are in jail since 10.03.2017, let the petitioner above named be released on bail on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 84 of 2017, subject to the condition under Section 437 (3) Cr.P.C.

(Rajeev Ranjan Prasad, J)

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