

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54229 of 2018

Arising Out of PS.Case No. -61 Year- 2018 Thana -PIPRAHI District- SHEOHAR

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1. Suresh Paswan, S/o Bhantu Paswan @ Bhantu,
2. Umesh Paswan S/o Prabhu Paswan, Both R/o Vill.- Mesaudha, P.S.-
Piprahi, District- Sheohar. Petitioners.

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Umanath Mishra

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

02 31-08-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in a case registered for the
offence punishable under Sections 30 and 30(a) of the Bihar
Prohibition and Excise Act, 2016.

5.775 liters of foreign liquor is said to have been
recovered from the bush located in front of the house of Umesh
Paswan, said to be kept there by the petitioner and three other
accused persons.

It is submitted by learned counsel for the petitioners that
no incriminating article has been recovered from the conscious
physical possession of the petitioners. They have no concern either
with the seized liquor or the place of recovery or any trade of



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liquor. The place of recovery is an open place and easily accessible to anyone. They were not apprehended on the spot. The identity and genuineness of the source of information has not been mentioned in the self statement of the informant. There is violation of Section 100 Cr.P.C. They have no criminal antecedent. Petitioner no.1 has been languishing in custody since 23.07.2018 while petitioner no.2 has been languishing in custody since 31.07.2018. Similarly situated co-accused Ajay Sah has been enlarged on bail by this Court in Cr. Misc. No.52014 of 2018 vide order dated 24.08.2018.

In the facts and circumstances of the case, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge Excise, Sheohar in connection with Piprahi P.S. Case No. 61 of 2018.

(Prakash Chandra Jaiswal, J)

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