

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.3858 of 2019**

Arising Out of PS. Case No.-579 Year-2018 Thana- ARA NAGAR District- Bhojpur

1. Akash Paswan, son of Vishamvar Paswan R/o village- Sri Tola, P.S- Ara Nawada, District - Bhojpur
2. Chandan Kumar, son of Vijay Yadav @ Vijay Shankar R/o village- Sri Tola, P.S- Ara Nawada, District – Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Ram Sevak Choudhary

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      25-01-2019                      Heard the learned counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their arrest in connection with Ara Nagar P.S. Case No. 579 of 2018 dated 30.09.2018 instituted for the offences under Sections 30, 36, 37 (b)(c) of Bihar Prohibition and Excise Act, 2016.

Seventy (70) litres of liquor is said to have been recovered from near the house of one Punjabi Mushahar. At the time of search and recovery, the witnesses stated that the petitioners also were involved in the sale and purchase of the liquor but seeing the police party, they have managed to escape.

Learned counsel for the petitioners has



submitted that their prosecution therefore is only based on the casual statement of witnesses. There is no recovery from them or from their constructive possession. They enjoy fair antecedents.

Considering the aforestated facts, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 4<sup>th</sup> Additional Sessions Judge-cum-Special Judge Excise, Bhojpur at Ara in connection with Ara Nagar P.S. Case No. 579 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

**(Ashutosh Kumar, J)**

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