

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12548 of 2019

Arising Out of PS. Case No.-172 Year-2017 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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1. Deepak @ Dilip Paswan, Son of Late Janak Paswan R/o Bankipur, P.S.-
Fatuah, District - Patna
 2. Gunga Paswan, Son of Gopal Paswan R/o Bankipur, P.S.-Fatuah, District -
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Shankar Sinha

For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-03-2019 Heard learned counsels for the petitioners and the
State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 272 and 273/34 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is to the effect that on 11.09.2017, the informant, being the S.I., of Police, Bakhtiyarpur Rail Police Station received an information that from Lalkila Express, the illicit liquor is being transported, whereupon raid was laid when two persons jumped from the general compartment and started running away, but one person was apprehended, who disclosed



his name as Pandit @ Devrisi, from whom, 14 litres of country made liquor were recovered. The apprehended co-accused person disclosed that earlier he supplied the illicit liquor to the petitioners on payment of Rs. 1500/-.

It is submitted by learned counsel for the petitioners that admittedly, recovery has not been made from the conscious physical possession of the petitioners and only on the basis of confession of apprehended co-accused person, the petitioners have been sought to be named in the present FIR. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the name of the petitioners sprang up on the confession of apprehended co-accused person. Considering the fact that prosecution does not suggest that recovery has been made from the conscious physical possession of the petitioners, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of



learned Special Judge, Excise, Patna in connection with Rail
P.S. Bakhtiyarpur (Khusrupur) P.S. Case No. 172 of 2017,
Special Case No. 5974 of 2017, subject to the condition as laid
down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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