

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10345 of 2019

Arising Out of PS. Case No.-229 Year-2018 Thana- GUTHANI District- Siwan

RAHUL KUMAR PASWAN Son of Late Chhedi Paswan Resident of Village-
Raji Jagdishpur, P.S.- Jhangha, District- Gorakhpur (U.P.).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 21-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 29.10.2018 in a case registered for the offences punishable under Sections 30(a), 38(1), 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case got initiated on the basis of written report dated 01.10.2018 submitted by Ramakant Yadav, A.S.I., Ghuthani Police Station to the Station House Officer, Guthani Police Station is to the effect that on the same day at 9.30 A.M. during vehicle check at the Srikipur check post, a car was intercepted, in which two persons were travelling,



though one person, who was driver the said vehicle escaped from the scene, but other person was arrested. On being asked, he disclosed his name as Rahul Kumar Paswan, the petitioner before this Court and name of the other person who escaped from the scene as Sudarshan. On frisking from the luggage boot of the vehilce, 259 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the petitioner was simply a passenger in the vehicle in question and he has no concern either with the said recovery of liquor or the seized vehicle. It is further submitted that the investigation has already been concluded and a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the said recovery of illicit liquor was made from the vehicle in which the petitioner was travelling.

Considering the fact that the investigation has already been concluded, there is nothing on record to suggest that the sample of seized alleged liquor has been sent to FSL, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the



above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Siwan, in connection with Guthni P.S. Case No. 229 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/-

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