

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11729 of 2019

Arising Out of PS. Case No.-340 Year-2017 Thana- BARACHATTI District- Gaya

GIRANI PASWAN Son of Late Jagdish Paswan Resident of Village -
Padumchak, P.S.- Barachatti, Distt - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Ansar Ul Haque

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-02-2019 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in anticipation of his arrest in connection with Barachatti P.S. Case No. 340 of 2017 dated 06.06.2017 instituted for the offences under Sections 272 and 273 of the Indian Penal Code and under Sections 30(a), 38 and 47 of the Bihar Prohibition and Excise Act, 2016.

During the course of raid at various places, the police party secretly learnt that the petitioner is also involved in the sale and purchase of liquor in an unauthorized manner. A raid was conducted in the house of the petitioner which is by the side of the community hall. Five litres of liquor is said to have been recovered from a ditch behind the room of the petitioner.



Learned counsel for the petitioner has submitted that the recovery is from an open space, without any enclosure and therefore the possibility of the same having been planted cannot be ruled out. Such recovery cannot be said to be from the possession/constructive possession of the petitioner. Apart from this, the petitioner does not have any criminal antecedent.

Taking all these grounds together, this Court deems it appropriate to grant anticipatory bail to the petitioner.

The petitioner is directed to be released on bail, in the event of his 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 his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge, Gaya in connection with Barachatti P.S. Case No. 340 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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