

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16754 of 2019

Arising Out of PS. Case No.-12 Year-2019 Thana- JURAWANPUR District- Vaishali

CHANDAN KUMAR @ CHANDAN PASWAN Son of Ramji Paswan
Resident of Village- Mohanpur, P.S.- Raghopur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Chandra

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 06.02.2019 in a case registered for the offence punishable under Sections 272 and 273 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that during vehicle check, two motorcycles were intercepted and from one of the vehicle, 18 litres and from the another vehicle, 20 litres illicit country made liquor were recovered and the petitioner was apprehended along with co-accused Jitendra Mahto.

It is submitted by learned counsel for the petitioner that admittedly the recovery has not been made from the conscious physical possession of the petitioner and the petitioner was not apprehended from the place of seizure, rather



he has been roped in the present case only on the basis of suspicion. It is further submitted that the petitioner has no concern either with the seized motorcycle or the said liquor. A statement to that effect has been made in paragraph no.9 of the petition. 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 petitioner was apprehended by the police while he was trying to flee away from the place of seizure.

Considering the fact that the prosecution report does not suggest the seized motorcycle has been registered in the name of the petitioner, the period under custody 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 ADJ-II-cum-Special Judge, Excise Act, Vaishali at Hajipur in connection with Jurawanpur P.S. Case No. 12 of 2019.

(Dinesh Kumar Singh, J)

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