

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20047 of 2019

Arising Out of PS. Case No.-48 Year-2019 Thana- JOGBANI District- Araria

Disco Paswan, Son of Bhosu Paswan @ Bholu Paswan, Resident of Village-
Matiyari, P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Kanhaiya Kishore

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 02-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 21.02.2019 in a case registered for the offences punishable under Sections 30(a) and 38(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that informant Satpal Sharma being A.S.I. of SSB Force found three persons crossing Nepal boarder carrying bag on their head. On chase two of them managed to escape from the scene leaving behind the bag, though one person was apprehended, who disclosed his name as Disco Paswan, the petitioner. The total 135 litres of illicit Nepali liquor were recovered.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical



possession of the petitioner and this contention has been confirmed from that the fact that the seizure list does not bear the signature of the petitioner and the witnesses are SSB personnel. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the recovery has been made from the petitioner.

Considering the fact that the specific case of the informant is that three persons were found carrying bag when specific quantity of recovery has not been shown from the possession of the petitioner and the fact that the seizure list does not bear the signature of the petitioner, coupled with the statement made in paragraph 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 2nd Additional Sessions Judge -cum- Special Judge, Araria in connection with Special Case No. 263 of 2019, arising out of Jogbani P.S. Case No. 48 of 2019.

(Dinesh Kumar Singh, J)

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