

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26866 of 2019**

Arising Out of PS. Case No.-56 Year-2019 Thana- BALLIA District- Begusarai

1. ACHAY PASWAN @ AKSHAY PASWAN @ AJAY PASWAN Son of Late Manoj Paswan Resident of Village- Chhoti Ballia, Paswan Tola, Ward No. 13, P.S.- Ballia, District- Begusarai.
2. Sunil Paswan Son of Ganga Paswan @ Gango Paswan Resident of Village- Chhoti Ballia, Paswan Tola, Ward No. 13, P.S.- Ballia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sandip Kumar Gautam  
For the Opposite Party/s : Mr.Humayou Ahmad Khan

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2      24-04-2019                      The learned counsel for the petitioners is permitted to make correction in paragraph 3 and parentage of petitioner No.2.

Heard both sides.

The petitioners apprehend their arrest in Ballia P.S. case No. 56 of 2019 registered under Section 30(a), 37(i), 38(i), 41(i) of Bihar Prohibition & Excise Act.

The learned counsel for the petitioners submits that one Sanjeet Sah was apprehended in drunken stage. Sanjeet Sah on interrogation disclosed that Sunil Paswan, petitioner No.2, Chhatish Paswan and Achya Paswan @ Akshay Paswan, petitioner No.1, are also indulged in illegal trade of liquor and



he has kept liquor in the public toilet. The house of Sanjeet Sah was searched and 48.6 liters of liquor of different brands was recovered from his house. On the disclosure made by Sanjeet Sah public toilet was also searched and about 90 liters of IMFL and 33.48 liter of country made liquor were recovered. It is submitted that petitioners have got no manner of concern for the seized illegal liquor from the house of Sanjeet Sah or from the public toilet. It was Sanjeet Sah who had kept liquor in his house and in the public toilet. Nobody has seen the petitioners keeping the liquor in the public toilet. Petitioner No.1 has got no criminal antecedent. Petitioner No.2 is accused in one case registered in the year 2011 but no case of Excise Act is registered against the petitioners.

Considering the facts aforesaid and nature of allegation made against the petitioners and the fact that except the disclosure made by Sanjeet Sah there is no material to show that petitioners were also involved and kept liquor in the house of Sanjeet Sah and in public toilet, the petitioners, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten



thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Ballia P.S. case No. 56 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Jha, J)**

BKS/-

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