

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27777 of 2019

Arising Out of PS. Case No.-55 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

MANISH PASWAN @ MANISH KUMAR Son of Late Shyam Babu Paswan
@ Sugee Paswan Resident of Village- Parsauni Jahagir, P.S.- Sahebganj,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Narain Sinha, Advocate.
	:	Kumari Vandana, Advocate.
For the Opposite Party/s	:	Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 30-07-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Sahebganj P.S. Case No. 55 of 2019, registered for the offences punishable under Sections 272/273 of the Indian Penal Code and Section 30 (a)/36/38 (II) of the Bihar Prohibition and Excise Act, 2016.

During course of raid Birendra Rai, and Rahul Kumar were apprehended by the police and huge quantity of liquor was recovered from the house of Birendra Rai and on disclosure of Birendra Rai that he has kept the liquor in the hut of the petitioner, 185.95 liters of foreign liquor was recovered from his



hut.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor or with the aforesaid apprehended persons. He is a student and is making preparation of competition living in Delhi. Hut from where the said liquor was seized is inhabited by several family members and he had no knowledge of keeping liquor there. He was not present in the hut at the time of recovery rather he was in Delhi and none has seen his escaping from the hut. As per the F.I.R itself petitioner was neither present in the hut nor escaped from the aforesaid hut during the course of raid conducted by the police. Apprehended accused persons have not stated about carrying trade of liquor by the petitioner with them. Moreover, copy of seizure list has not been furnished to any of the occupant of the said hut. Witnesses of the seizure list are not local witnesses, so, there is violation of 100 Cr.P.C. hence no offence under Excise Act is made out against the petitioner. He has no criminal antecedent.

On the other hand, learned A.P.P. for the State opposed the prayer for bail.



Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Act, Muzaffarpur in connection with Sahebganj P.S. Case No.55 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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