

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2054 of 2019

Arising Out of PS. Case No.-439 Year-2018 Thana- MUFFASIL District- West Champaran

1. Kanhaiya Pasi @ Kanhaiya Chaudhary, Son of Late Dodha Pasi.
2. Bhola Pasi, Son of Ramchandra Pasi.
3. Santosh Pasi, Son of Ramchandra Pasi, Son of Ramchandra Pasi,
All are residents of village – Gurwiya Shivala, P.S. - Bettiah Muffasil
(Manupaul), District – West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Sri Nand Kishore Pd

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-01-2019 At the very outset, learned counsel for the petitioner has submitted that petitioner no. 3, during pendency of this application has been taken into custody as such this application with regard to petitioner no. 3 has become infructuous and he may be permitted to withdraw this application so far petitioner no. 3 is concerned.

Permission is accorded.

Accordingly, this application with regard to petitioner no. 3 is dismissed as withdrawn having become infructuous.

This application so far other petitioners are concerned, is for grant of anticipatory bail, which arises out of Bettiah Muffasil (Manupaul) P.S. Case No. 439 of 2018, disclosing offences under Sections 30 (a) of Bihar Prohibition and Excise Act, 2016.

Allegation against petitioner no. 1 is recovery of 3 litres of liquor as well as 800 litres of semi prepared liquor and



allegation against petitioner no. 2 is of recovery of 2 litres of liquor and 500 litres of semi prepared liquor.

Submission of learned counsel for the petitioner is that the search & seizure has been conducted by the A.S.I. who is not competent to make search & seizure as per Section 73 of Bihar Prohibition and Excise Act. Moreover, all allegations are false and concocted and both the petitioners have no criminal antecedent and have falsely been roped in the present case.

Heard learned A.P.P. also.

Having heard both sides, in view of the above facts, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Bettiah, West Champaran, in connection with Bettiah Muffasil (Manuapal) P.S. Case No. 439 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

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