

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36985 of 2019

Arising Out of PS. Case No.-21 Year-2019 Thana- TISIAUTA District- Vaishali

1. SAMARJEET PASWAN Son of Mauzi Paswan Resident of Village- Bijharuli Bindi Chak, P.S.- Tisiauta, District- Vaishali.
2. Sachin Kumar Son of Indrajeet Paswan Resident of Village- Bijharuli Bindi Chak, P.S.- Tisiauta, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh
For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-06-2019 The learned counsel for the petitioners submits that petitioner No.2, Sachin Kumar, has already been arrested during the pendency of this petition.

In this view of the fact, the anticipatory bail petition of petitioner No.2 is dismissed as has become infructuous.

Heard both sides.

The sole petitioner, Samarjeet Paswan, apprehends his arrest in Tisiauta P.S. case No. 21 of 2019 registered under Section 272, 273 of the IPC and u/s 30 (a) (b) (c) of Bihar Prohibition & Excise Act.

The informant on secret inputs firstly raided the house of Mehtab Rai and recovered 63 liter of liquor. The informant



further disclosed that he got further inputs that Indrajeet Paswan of village Bijhroli Bind had also kept liquor in his house. The informant on such information raided the house of Indrajeet Paswan but saw four persons fleeing away from there. Liquor was also recovered from the house of Indrajeet Paswan. The village Chowkidar disclosed that Indrajeet Paswan, Samarjeet Paswan, the petitioner, Sachin Kumar and Savita Devi managed to flee away from the house of Indrajeet Paswan.

The learned counsel for the petitioner submits that nothing has been recovered from the house of petitioner. Even if the allegation made in the FIR is taken to its face value and if the petitioner fled away from the house of Indrajeet Paswan, it cannot be said that petitioner had kept any liquor in the house of Indrajeet Paswan and he cannot be held to be guilty. There is nothing on record to show that petitioner was involved in keeping liquor in the house of Indrajeet Paswan.

Taking into consideration the facts that on the basis of inputs received by the informant he raided the house of Mehtab Rai and Indrajeet Paswan and recovered huge quantity of liquor from the house of both the co-accused but petitioner is named in the FIR as the persons who managed to flee away and save and except that there is no material to show that petitioner is



involved in keeping liquor in the house of Indrajeet Paswan, the petitioner, Samarjeet Paswan, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Vaishali at Hajipur in connection with Tisiauta P.S. case No. 21 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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