

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44826 of 2019

Arising Out of PS. Case No.-30 Year-2019 Thana- CHORAUT District- Sitamarhi

1. RAMEKBAL PASWAN @ SANTOSH PASWAN Son of Brahmdeo Paswan
Resident of Village - Choraut, P.S.- Choraut, District- Sitamarhi
2. Shatrughan Paswan Son of Brahmdeo Paswan Resident of Village - Choraut,
P.S.- Choraut, District- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-07-2019 Heard both sides.

The petitioners apprehend their arrest in Choraut P.S. case No. 30 of 2019 registered under Section 272, 273 of the IPC and u/s 30(a) of Bihar Prohibition & Excise Act.

The informant intercepted one Manoj Kumar Hathi and from his tempo liquor was recovered. Manoj Kumar Hathi disclosed that he was going to hand over the liquor to the petitioners but when the police went to raid the place the petitioners are said to have fled away. It is further alleged that on the disclosure made by Manoj Kumar Hathi some liquor was recovered from beneath the straw. The informant further disclosed that on the basis of disclosure made by Manoj Kumar Hathi raid was conducted in the house of Kamakhya and from the house of Kamakhya and Madan Panjiyar liquor was recovered.

The learned counsel for the petitioners submits that



save and except disclosure made by Manoj Kumar Hathi, nothing has been recovered from the possession of the petitioners. On the disclosure made by Manoj Kumar Hathi liquor was recovered from the heap of straw and not from the possession of the petitioners. From the house of Kamakhya and Madan Panjiyar also liquor was recovered.

Considering the facts aforesaid and nature of allegation made against the petitioners and the fact that nothing has been recovered from the possession of the petitions and name of the petitioners figured in the case on the disclosure made by Manoj Kumar Hathi from whose possession liquor was recovered, 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, Sitamarhi in connection with Choraut P.S. case No. 30 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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