

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52804 of 2019

Arising Out of PS. Case No.-195 Year-2017 Thana- MALSALAMI District- Patna

BIFAN PASWAN @ HADIYA Son of Devi Paswan Resident of Village -
Mangal Akhara, Patna City, P.S.- Malsalami, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad
For the Opposite Party/s : Mr.Khurshid Anwar

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 23-08-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Trial No.180 of 2019/Special Case No.5015 of 2017
(arising out of Malsalami P.S. Case No.195 of 2017) registered
under Sections 30(a), 38, 41 and 44 of the Bihar Prohibition and
Excise Amendment Act, 2016.

The accusation is that in course of checking of the
vehicle by the informant and other police personnel, one tempo
was seen coming in high speed from Malsalami direction. When
effort was made to stop the said tempo, then the driver of the
tempo tried to flee away along with the tempo but he was
apprehended along with the tempo. In the tempo, besides the



driver, four persons were also sitting, who disclosed their name as Ani Kumar (driver), Golu Kumar, Munna Kumar, Shakur and Sudhir Kumar. On search of the tempo, 60 pouches, each containing 200 ml. country made liquor, kept in a plastic bag, were recovered. Thereafter, on the instance of the aforesaid apprehended persons, the informant along with other police personnel and them reached at the hotel of Vinedeshwar Yadav, situated near the petrol-pump of Sahuji, then on seeing the police party, the owner of the hotel succeeded to flee away, taking the advantage of darkness. On search of the hotel, 32 empty pouches of liquor were recovered. Thereafter, on the instance of all the accused, apprehended from both the aforesaid places, the informant along with other police personnel and them reached at the house of Devi Paswan, situated at Mangal Akhara. On seeing the police party, three persons started to flee away from there. While two persons were apprehended but one succeeded to flee away. The aforesaid apprehended accused disclosed their name as Devi Paswan and Raju Paswan and also disclosed the name of the petitioner, who succeeded to flee away. On search of the house of Devi Paswan, 50 pouches, each containing 200 ml. country made liquor, kept in a bag, concealed in the bush, were recovered.



Learned counsel for the petitioner submits that the petitioner was not apprehended on the spot rather his name has been disclosed by the co-accused, Devi Paswan and Raju Paswan. The petitioner has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, 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 the Special Judge, Excise, Patna, in connection with Trial No.180 of 2019/Special Case No.5015 of 2017 (arising out of Malsalami P.S. Case No.195 of 2015), subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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