

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69480 of 2019

Arising Out of PS. Case No.-309 Year-2019 Thana- BARACHATTI District- Gaya

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1. DIPAK PASWAN @ KALLU PASWAN son of Late Rambali Paswan Resident of Village- Kewala Tola Tintarwa, P.S.- Mohanpur, District- Gaya.
 2. Vikas Paswan @ Vivek Kumar Son of Umesh Paswan Resident of Village- Kewala Tola Tintarwa, P.S.- Mohanpur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh

For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 05-11-2019 At the very outset, it has been submitted by learned counsel for the petitioner that during pendency of this application, petitioner no. 1 has been taken into custody, as such, this application so far petitioner no. 1 is concerned, has become infructuous and he may be permitted to withdraw this application with respect to petitioner no. 1.

Permission is accorded.

This application so far petitioner no. 1 is concerned, is dismissed as withdrawn.

So far petitioner no. 2 is concerned, he apprehends his arrest in connection with Barachatti (Mohanpur) P.S. Case No. 309/2019 registered for offences punishable under Sections 30(a)(d) of Bihar Prohibition and Excise Act.



Allegation is of recovery of 24 litres of beer and 100 KG mahua flower from the house of petitioner no. 1 and it is alleged that petitioner no. 2 was also there and he succeeded in fleeing away.

Submission of learned counsel for the petitioner no. 2 is that nothing has been recovered from the house of the petitioner no. 2 or at his instance. He has no criminal antecedent and has falsely been implicated in this case only on the basis of suspicion and admittedly the recovery was made from the house of petitioner no. 1. It has also been submitted that the source of information has also not been disclosed in the F.I.R.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances, this application is allowed. Let the petitioner no. 2 in the event of his 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 learned Special Judge (Excise), Gaya, in connection with Barachatti (Mohanpur) P.S. Case No. 309/2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

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