

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3254 of 2020

Arising Out of PS. Case No.-272 Year-2019 Thana- KALYANPUR District- East Champaran

1. Nandu Paswan S/o Suneshwar Paswan R/o village- Mangalapur, P.S. Kalyanpur, District – East Champaran, Motihari.
2. Shiv Vanshi Manjhi S/o Late Gena Manjhi R/o village- Kalyanpur, Mangalapur, P.S.- Kalyanpur, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mrs.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 10-06-2020 Heard learned counsel for the parties through video conferencing.

The petitioners seek bail in Kalyanpur P.S. Case No. 272 of 2019 registered for the offence under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, 85 liters and 150 ml. country-made liquor have been recovered from two motorcycles and petitioners are said to have fled away after leaving the motorcycle.

It is submitted on behalf of petitioners that petitioners have falsely been implicated that nothing has been recovered from their conscious possession. Petitioners have been named in



the F.I.R. only due to enmity. Petitioners are neither owner nor driver of the motorcycle. It is further submitted that Section 100 Cr.P.C. has not been followed with respect to search and seizure. Petitioners have no criminal antecedent, as stated in paragraph – 3 of the petition.

Considering the aforesaid facts and circumstances, the bail application is allowed.

Let the above-named petitioners be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 9th Addl. Sessions Judge-cum-Special Judge, Excise, East Champaran, Motihari in connection with Kalyanpur P.S. Case No. 272 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

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