

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4159 of 2020

Arising Out of PS. Case No.-1051 Year-2019 Thana- BIHTA District- Patna

1. Jitendra Paswan @ Bhola Son of Panchu Paswan Resident of Village-Sattar (Sarai), P.S.-Maner, District-Patna.
2. Shashi Kumar Son of Ramdas Paswan Resident of Village-Sarai, P.S.-Maner, District-Patna.

... .. Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr.Vijay Anand, Advocate

For the Opposite Party : Mr.Anand K. Choudhary, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-01-2020

Heard learned counsel for the parties.

Petitioners are accused in a case registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

15 liters of Foreign liquor has been seized from a bag being carried on a motorcycle by the petitioners.

Learned counsel for the petitioners submits that the said seizure has not been made from conscious possession of the petitioners who are labourers, rather they have been caught by the raiding party on suspicion when they were passing by a place where raid was being conducted by police. Petitioner no.1 has got no criminal antecedent, whereas petitioner no.2 has two cases pending against him in which he is already on bail. Petitioners are in custody since 17.11.2019 and even mandatory provisions of section 100 Cr.P.C. has not been followed for search and seizure.

In view of the facts and circumstances of the case, prayer for bail of the petitioners is allowed. Let both the



petitioners, mentioned above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Special Judge, Excise Act, Patna in Special case no. 10323/2019, Bihta Neora Police Station Case No. 1051/2019, on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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