

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14023 of 2020

Arising Out of PS. Case No.-532 Year-2019 Thana- BARAUNI District- Begusarai

1. MANTOSH PASWAN Son of Bharosi Paswan Resident of Village - Bathauli, Ward no.- 7, Gachhi Tola, P.S.- Barauni, District - Begusarai.
2. Vikash Choudhary @ Vikash Kumar Son of Garib Choudhary Resident of Village - Bathauli, Ward no.- 7, Gachhi Tola, P.S.- Barauni, District - Begusarai.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Sandip Kumar Gautam, Advocate.
For the State	:	Mr. Ramesh Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 12-06-2020 Learned counsel for the petitioners and the learned A.P.P. for the State are present through Video Conferencing.

At the very outset, learned counsel for the petitioners submits that the petitioner no.2, namely, Vikash Choudhary alias Vikash Kumar, has already been arrested by the police in this case and seeks permission to withdraw this application in respect of the petitioner no.2, namely, Vikash Choudhary alias Vikash Kumar.

Permission is accorded.

This application, in respect of the petitioner no.2, namely, Vikash Choudhary alias Vikash Kumar, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.1, namely, Mantosh Paswan, for grant of privilege of pre-arrest bail is being considered.



Heard.

The petitioner no.1, namely, Mantosh Paswan, apprehends his arrest in connection with Barauni P.S. Case No.532 of 2019 registered under Section 30(A) of the Bihar Excise Prohibition Act, 2016.

The accusation is that in course of patrolling duty, information was received by the informant and other police personnel about keeping the liquor concealed in the sand, stored in front of the newly constructed house of Md. Raja in village-Bathauli, by Mantosh Paswan (petitioner no.1), Vikash Choudhary and Nitish Kumar. Thereafter, the informant along with other police personnel reached there. On seeing the police party, some persons started to flee away from there. While they were chased but they succeeded to flee away. On search of the sand, stored in front of the newly constructed house of Md. Raja, 140 bottles, each containing 375 ml., and 144 bottles, each containing 180 ml., Indian Made Foreign Liquor were recovered.

Learned counsel for the petitioner no.1, namely, Mantosh Paswan, submits that it would appear from the F.I.R. that the seized bottles of liquor were recovered from the sand, stored in front of the newly constructed house of Md. Raja and not from the house of the petitioner no.1. On mere suspicion, the petitioner no.1, who has no criminal antecedent, has falsely been implicated in this case.



Having considered the facts and the circumstances of the case, let the petitioner no1, namely, Mantosh Paswan, 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai, in connection with Barauni P.S. Case No.532 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

This application is, accordingly, disposed of.

(Rajendra Kumar Mishra, J)

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