

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29248 of 2020

Arising Out of PS. Case No.-538 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

1. Raju Paswan Son of Horil Paswan Resident of Village- Basantpur, P.S.- Sahebganj, District- Muzaffarpur.
2. Dheeraj Paswan Son of Ramprit Paswan Resident of Village- Basantpur, P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Nandan

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-12-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in Sahebganj
P.S. Case No. 538 of 2019 registered for the offence under
Sections 272 & 273 of the Indian Penal Code and Section 30(a)
(d) of Bihar Prohibition and Excise Act.

As per the prosecution case, two liters country made
liquor has been recovered from behind the house of petitioner
no. 1 and four liters of liquor has been recovered from the house
of petitioner no. 2.

It is submitted on behalf of petitioners that no
incriminating article has been recovered from the possession of



petitioners. So far as petitioner no. 1 is concerned, recovery has been made from behind the house of petitioner no. 1, which is an open place accessible to the general public. So far as petitioner no. 2 is concerned, recovery has been made from his house. It is stated in paragraph -3 of the petition that petitioners have got no criminal antecedent.

Considering the aforesaid facts and circumstances, the bail application of petitioner no. 1 is allowed. So far as petitioner no. 2 is concerned, since recovery has been made from his house, his prayer for bail stands rejected.

Accordingly, in the event of his arrest or surrender within a period of eight weeks from the date of receipt/production of copy of this order, let the petitioner no. 1 namely Raju Paswan be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Muzaffarpur, in connection with Sahebganj P.S. Case No. 538 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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