

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31725 of 2020

Arising Out of PS. Case No.-353 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Swaminath Aryawala @ Ajay Kumar @ Swami Nath @ Aarywala @ Swami Narayan @ Ajay, S/o Suresh Rai Resident of Village-Dudhpura, Ward No.11, P.S.-Mufassil Samastipur, District-Samastipur.
 2. Neeraj Kumar S/o Mohan Rai Resident of Village-Sarmastpur Jhitkahi, P.S.-Goraul, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate
For the Opposite Party/s : Mr. Bisheshwar Ram, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 04-12-2020 In view of the submission and the undertaking of the learned counsel for the petitioners, at the time of hearing of this application through video conferencing, that he would remove the defect(s), as pointed out by the office vide its notes dated 24.11.2020, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners seek bail in connection with Samastipur Muffasil P.S. Case No. 353 of 2020, registered under Sections 120(B), 147, 148, 149, 225, 323, 333, 335, 341,



353 and 504 of the Indian Penal Code and Sections 30(a), 32(2) and 41(1) of the Bihar Prohibition and Excise Act.

The accusation is that in course of patrolling duty, the informant and other Police personnel received information about unloading of the cartons of liquor from truck near the house of Suresh Rai in village-Rampur Dudhpura. The informant along with other Police personnel reached near Durga temple in village-Rampur Dudhpura near the house of Suresh Rai then saw a truck parked at the distance of 50 yards from the house of Suresh Rai. On seeing the Police party, the persons present there started fleeing taking advantage of darkness, but, on chase, three persons were apprehended, who disclosed their names Suresh Rai, Swami Narayan Aryawala @ Ajay (Petitioner No. 1) and Neeraj Kumar (Petitioner No.2). The truck was found filled up with cartons of liquor and under the Tyre of truck, bricks were found on which Bihar was scribed and similar bricks were also found in front of house of Sanjay Rai near the house of Suresh Rai, one Bolero vehicle loaded with carotns of liquor was also found. A white colour Scorpio was aslo found there loaded with cartons of liquor. In the meantime, son of Suresh Rai along with his associates 20 to 25 in



number having lathi, danda and sticks came there and started assaulting and got free Suresh Rai. When other Police personnel came there then member of mob fled away from there. On search of truck bearing registration No. BR-02GA-4214, 80 cartons, each containing 12 bottles of 750 ML, 96 cartons, each containing 48 bottles of 375 ML, 227 cartons each containing 24 bottles of 375 ML, whereas from the Bolero bearing registration No. BR33E-8309, 35 cartons of 375 ML and from the Scorpio, without registration number, 2 cartons each containing 750 ML, 6 cartons each containing 24 bottles of 375 ML Indian made foreign liquor recovered.

Learned counsel appearing for the petitioner submits that both the petitioners have falsely been implicated in this case mere on suspicion as they were present near the place of occurrence being villagers. The petitioners have no criminal antecedent and they are in custody since 22.08.2020.

Having regard to the facts and the circumstances of the case, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the 2nd Additional Sessions Judge-cum-



Special Judge, Excise, Samastipur in connection with
Samastipur Muffasil P.S. Case No. 353 of 2020.

(Rajendra Kumar Mishra, J)

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