

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41844 of 2021

Arising Out of PS. Case No.-105 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. RAMNATH PASWAN @ RAMNATH Son of Lotan Paswan
 2. Neeraj Paswan Son of Ramnath Paswan @ Ramnath
Both are Resident of Village - Raysingha, P.S. - Muffasil, District - East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh, Adv

For the Opposite Party/s : Mr.Sunil Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 15-12-2021 Let the defect (s) be removed within two weeks of
the complete start of the physical Court.

Heard the parties.

The petitioners are apprehending their arrest in a case
registered for the offences punishable under Sections
30(a),32,41(1) of Bihar Prohibition and Excise Act, 2016.

From the house of the petitioners, 60 litre of country
made liquor was recovered.

Submission is that seizure list is not signed by any of
the petitioners. Hence, factum of seizure is itself doubtful.

If anyone refuses to sign on the seizure list either as
the person from whose house recovery was made or a witness



that cannot falsify the correctness of seizure especially at the stage of consideration of prayer for anticipatory bail.

Considering presumption under Section 32 and consequent bar under Section 76(2) of the Bihar Prohibition and Excise Act, I am not inclined to enlarge the petitioners on anticipatory bail in connection with Muffasil P.S.Case No.105 of 2021 pending in the court of learned Addl. Sessions Judge 2nd cum-Special Judge, Excise, East Champaran, Motihari. Hence, prayer is refused.

Petitioners are directed to surrender within two weeks and pray for regular bail.

(Birendra Kumar, J)

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