

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.305 of 2021

Arising Out of PS. Case No.-35 Year-2020 Thana- SIWAIPATTI District- Muzaffarpur

1. Keshav Kumar, Son Of Nandlal Prasad Resident Of Village - Neknama, P.S.- Siwaipatti, Distt.- Muzaffarpur.
2. Govind Kumar @ Govinda Kumar, Son Of Shivpujan Sah Resident Of Village - Semraha, P.S.- Rajepur, Distt.- East Champaran.
3. Ajay Paswan, Son Of Sitaram Paswan Resident Of Village - Sadhna Madhopur, P.S.- Siwaipatti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ratneshwar Prasad- Advocate
For the Opposite Party/s :	Mr. Nirmal Kumar Sinha- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 23-06-2021 Heard Mr. Ratneshwar Prasad, the learned Advocate for the petitioners and Mr. Nirmal Kumar Sinha, the learned APP for the State.

After some arguments, learned counsel for the petitioners seeks permission to withdraw the application with respect to petitioner nos.1 and 3.

The application of petitioner nos.1 and 3 are dismissed as withdrawn with a liberty to them to approach the Court below for grant of bail.

The petitioner no.2 seeks bail in anticipation of his arrest in connection with Siwaipatti P. S. Case No.35 of 2020, instituted for the offences under Sections 272, 273, 420, 34 of the Indian Penal Code and Sections 30, 30(a) of the Bihar



Prohibition and Excise Act.

It appears from the prosecution report that from near the shop of petitioner no.1, huge quantity of liquor was found concealed in the pile of garbage. The petitioner nos.1 and 2 were said to be sleeping on a cot nearby. Recovery of excisable items have also been shown from the shop of petitioner no.3.

Regard being had to the facts that the petitioner no.2 does not have any concern with such recovery and that he is a person of clean antecedents, he in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Siwaipatti P. S. Case No.35 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed to the extent indicated above.

(Ashutosh Kumar, J)

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