

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.520 of 2021**

Arising Out of PS. Case No.-394 Year-2020 Thana- SAMASTIPUR MUFFASIL District-  
Samastipur

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1. Ajay Paswan, son of Buchchi Paswan, Resident Of Village - Hasanpur, Jitwarpur, Ward No. 25, P. S. - Muffasil, District - Samastipur.
  2. Birju Paswan, son of Buchchi Paswan, Resident Of Village - Hasanpur, Jitwarpur, Ward No. 25, P. S. - Muffasil, District - Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary no.1, APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      12-03-2021                      Heard learned counsel for the petitioners and the  
learned APP for the State.

The petitioners seek bail in connection with  
Samastipur Muffasil P.S. Case No.394 of 2020 (Computer  
Registration No.923/2020) instituted for the offence punishable  
under Section 30(a) of the Bihar Prohibition and Excise Act,  
2016.

440 litres illicit liquor has allegedly been recovered  
from behind the petitioners' house.

Counsel for the petitioners submits that the recovery  
is not in accordance with the mandate of Section 100 Cr.P.C..  
There is no forensic opinion to suggest that the recovered



substance is intoxicant. Petitioners have no criminal antecedents and recovery, even as per the prosecution case, is not from their conscious possession. They are in custody since 12.09.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow petitioners' prayer for bail.

Accordingly, let both the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the court of learned Additional Sessions Judge II-cum-Special Judge, Excise Act, Sasamtipur, in connection with Samastipur Muffasil P.S. Case No.394 of 2020 (Computer Registration No.923/2020), subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings



regarding supply of the requisite court fee etc. within two weeks  
from the date he is called upon to do so by the office.

**(Madhuresh Prasad, J)**

PNM

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