

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80530 of 2019**

Arising Out of PS. Case No.-950 Year-2019 Thana- PHULWARISHARIF District- Patna

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1. Vikash Kumar, aged about 25 years, male, Son of Sri Rameshwar Paswan.
  2. Jhoparia @ Arvind Kumar, aged about 19 years, male, Son of Sri Rajendra Paswan.
- Resident of Village- Bhusaula Danapur, P.S.- Phulwarisarif, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar Singh, Adv.

For the Opposite Party/s : Mr. APP

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

4      13-09-2021                      Heard Mr. Manoj Kumar Singh, the learned Advocate for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Special Case No. 9297 of 2019 arising out of Phulwarisarif P.S. Case No. 950 of 2019, dated 19.10.2019, instituted for the offence under Section



30(a) of the Bihar Prohibition and Excise Act, 2016.

According to the prosecution case, the house of one Niraj Kumar was raided from where 15 litres of liquor was recovered. Aforesaid Niraj Kumar has disclosed the name of the petitioners as the persons who could manage to run away during the time of the raid.

It has been submitted on behalf of the petitioners that their implication in this case is only on the basis of confessional statement of an arrested accused person. In the event of no recovery from the petitioners and their prosecution only on the basis of confessional statement of an arrested accused person, it has been urged, no offence under the Excise Act can be said to have been made out against them.

The petitioners do not have criminal antecedents.

Regard being had to the facts afore-stated, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees



Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Spcial Judge, Excise, Patna in connection with Special Case No. 9297 of 2019 arising out of Phulwarisarif P.S. Case No. 950 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

**(Ashutosh Kumar, J)**

Praveen-II/-

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