

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.39196 of 2022

Arising Out of PS. Case No.-712 Year-2021 Thana- KANTI District- Muzaffarpur

1. Ram Babu Paswan Son of Late Harifan Paswan R/O Village- Sirsiya,, P.S.- Kanti, District- Muzaffarur
2. Raj Kumar Paswan Son of Late Harifan Paswan R/O Village- Sirsiya,, P.S.- Kanti, District- Muzaffarur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 20-08-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Kanti P.S. Case No. 712 of 2021 registered for the offence under Sections 272 and 273 of the Indian Penal Code and Sections 47, 30(a), 30(c), 34, 36 and 37(d) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 30.03.2022.

The allegation against the petitioners is to have possession of spurious liquor.

Learned counsel appearing on behalf of the petitioners submitted that admittedly, the recovery of alleged spurious liquor was made from house of co-accused Raj Kishore Paswan,



where nothing surfaced during the course of investigation which may connect the petitioners with alleged recovery. It is further submitted that no sample was collected of said spurious liquor to send it for forensic laboratory. It has been submitted that investigation is complete, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged spurious liquor was not made from the conscious physical possession of the petitioners coupled with the fact that charge-sheet has been submitted, let both the petitioner, above named, are directed to be released on bail in connection with Kanti P.S. Case No. 712 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No.II, Muzaffarpur/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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