

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1292 of 2022

Arising Out of PS. Case No.-234 Year-2021 Thana- AGIAON BAZAR District- Bhojpur

1. BIRENDRA PASWAN Son of Late Dudul Paswan, Resident of Village -
Agiaon Bazar, P.S.- Agiaon Bazar, Distt.- Bhojpur.
2. Akhilesh @ Khesari Paswan Son of Birendra Paswan, Resident of Village -
Agiaon Bazar, P.S.- Agiaon Bazar, Distt.- Bhojpur. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Ram Anurag Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 01-06-2022 The learned counsel for the petitioners are directed to
remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as
the learned Additional Public Prosecutor for the State.

The petitioners are seeking regular bail in connection
with Agiaon Bazar P.S. Case No. 234 of 2021 registered for
offence punishable under section 30 (a) of the Bihar Prohibition
and Excise Act.

As per allegation, the police got information that
petitioner no. 1 is selling liquor in his hut. On raid, some persons
started fleeing away, but one person was apprehended, who
disclosed his name as Birendra Paswan (petitioner no. 1). He also
disclosed the names of the persons, who became successful in
fleeing away, as Sonu Paswan, Munna Paswan, Akhilesh @



Khesari and Tarjan Paswan. 116 litres of liquor was recovered from that hut.

The learned counsel for the petitioners has submitted that while making seizure list, the provision of section 100 of the Code of Criminal Procedure has not been complied with. He has submitted further that petitioner no. 1 is under custody since 18.11.2021 and petitioner no. 2 is under custody since 04.12.2021.

Considering the above-mentioned facts and circumstances, **the petitioners above-named are directed to be released on bail only after framing of the charge** on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned A.D.J.-IV-cum-Special Judge, Excise, Bhojpur in connection with Agiaon Bazar P.S. Case No.234 of 2021.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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