

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28435 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- DHANHA District- West Champaran

1. RAMBABU @ RAMBABU PASWAN S/O LATE TURANTU PASWAN
Resident of Village- Raiyam Kothi, P.S.- Raiyam, District- Darbhanga.
2. SHAMBHU NATH PASWAN @ SHAMBHU PASWAN S/O LATE
DAHAUR PASWAN Resident of Village- Mithanpura, P.S.- Ahiyapur,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate
For the Opposite Party/s : Mrs.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 17-05-2023 1. Heard learned counsel for the petitioners and
learned APP for the State.
2. Petitioners seek regular bail in connection
with Dhanha P.S. Case No.40 of 2023 dated 28.02.2023
registered for the offence(s) punishable under Section(s) 30(a) of
the Bihar Prohibition and Excise Act.
3. The main submissions advanced by the
learned counsel for the petitioners are that the instant matter
relates to the recovery of 630 litres of english wine from a pick up
vehicle and though the petitioners are stated to have been arrested
from the said vehicle at the time of recovery but in actual they
were bonafidely present in the said vehicle and as per FIR the
main accused is Shivnath Paswan who is alleged to be indulged in
smuggling of the illicit wine and the said vehicle was being taken



at his order and petitioner No.1 was not the permanent driver of the said vehicle at the time of recovery. Further submissions are that both the petitioners have been languishing in jail since 28.02.2023 and the alleged wine was not recovered from the conscious possession of these petitioners and petitioner No.2 is a labourer and both the petitioners have fair and clean antecedent and against them the investigation has been completed.

4. Per contra, learned APP appearing for the State has vehemently opposed the prayer for bail.

5. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record and also the completion of investigation against the petitioners, I deem it fit and proper to admit the petitioners to the privilege of bail.

6. Accordingly, let the petitioners named-above be enlarged on bail in connection with Dhanha P.S. Case No.40 of 2023 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 concerned.

(Shailendra Singh, J)

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