

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74268 of 2023

Arising Out of PS. Case No.-203 Year-2023 Thana- KISHANPUR District- Supaul

Angad Kumar Roy, S/O Bhagwat Roy, Resident Of Ward No. 03, Village-
Kalimoongra, Parsa Madho, Ps. Kishanpur, Dist. Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 74509 of 2023

Arising Out of PS. Case No.-203 Year-2023 Thana- KISHANPUR District- Supaul

Anil Paswan, Son Of Kapileshwar Paswan, Resident Of Village -kalimunga
Ward No. 03, P.S-. Kishanpur, District -supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 74268 of 2023)

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

(In CRIMINAL MISCELLANEOUS No. 74509 of 2023)

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 Since both the applications arise out of Kishanpur

P.S. Case No. 203 of 2023, as such, they have been taken up

together and are being disposed of by the common order.

2. Heard learned counsels for the petitioners and
learned APP for the State.

3. In the present case, the petitioners seek bail in



connection with S.Tr. No. 1039 of 2023 arising out of Kishanpur P.S. Case No. 203 of 2023 registered on 05.09.2023 for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise (Amendment Act), 2018.

4. As per prosecution case, police received secret information about petitioners storing huge quantity of illicit liquor in their houses. A raid was conducted and from the house of petitioner Anil Paswan, recovery of 726.480 litres of Indian made foreign liquor was made and from the house of petitioner Angad Kumar Roy further recovery of 607.68 litres of Indian made foreign liquor was made. Both the petitioners were apprehended from their houses.

5. The learned counsels for the petitioners submit that the petitioner are innocent and have been falsely implicated in this case. Allegations are false and concocted and the petitioners have no concern with the allegedly recovered illicit liquor and no recovery has been made from the houses of the petitioners and police has falsely shown the recovery from their houses. Neither the petitioners were apprehended from their houses during search and seizure of illicit liquor. Moreover, the recovery has been made from the backyard of the house of the petitioners, which is a joint family house and the petitioners



could not be fastened liability of recovered liquor. Otherwise, nothing incriminating has been recovered from the conscious possession of the petitioners. Petitioners are in custody since 05.09.2023 and charge-sheet has been submitted. Petitioners are having clean antecedent.

6. Learned APP opposes the prayer for bail submitting that the petitioners were apprehended with huge quantity of illicit liquor.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioners along with their period of custody and submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.01, Supaul/court concerned in connection with S.Tr. No. 1039 of 2023 arising out of Kishanpur P.S. Case No. 203 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.



- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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