

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18891 of 2017

Arising Out of PS.Case No. -262 Year- 2016 Thana -KOCHAIKOTE District- GOPALGANJ

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1. Nagendra Singh, son of Late Sukhdeo Singh @ Sukdeo Singh, resident of Mohammadpur, P.S. Mohammadpur, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyabir Bharti

For the Opposite Party/s : Mr. B. N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 11-07-2017 Heard both sides.

The petitioner apprehends his arrest in Kochaikote P.S. case No. 262 of 2016 under Section 272, 273, 420 of the Indian Penal Code and under Section 30 (a)(b)(c) of the Bihar Prohibition & Excise Act, 2016.

The police intercepted a truck bearing registration No. PB11BN-9921. The driver of the truck, Devendra Singh, disclosed the name of Sukhbir Singh as owner of the truck. The driver further disclosed that when he crosses check post situated in Bihar he would talk with Sanjay Pandey and Nagendra Singh, the petitioner. Sukhbir Singh also gave him two mobile Nos. to his driver said to be of petitioner and Sanjay Pandey respectively.

The learned counsel for the petitioner submits that



nothing has been recovered from the possession of the petitioner. Sukhbir Singh, owner of the truck, is said to have instructed his driver to talk with the petitioner and Sanjay Pandey. Sanjay Pandey has already been granted anticipatory bail vide order passed in Cr. Misc. No. 8034 of 2017. Of course, the petitioner has got two criminal cases of the year 2002 and 2004 pending against him under the Excise Act but the case of petitioner stands on the same footing as that of Sanjay Pandey.

The learned Additional Public Prosecutor, however, opposed the prayer for anticipatory bail.

Considering the fact that nothing has been recovered from the possession of the petitioner and name of the petitioner figured in the disclosure made by the driver of the truck from which huge quantity of liquor was recovered but the case of petitioner stands on same footing as that of Sanjay Pandey, who has already been granted anticipatory bail, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VII, Gopalganj in



Kochaikote P.S. Case No. 262 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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