

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54488 of 2016

Arising Out of PS.Case No. -414 Year- 2016 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

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Aman Kumar, son of Yogendra Singh, Resident of Village- Khamhar, P.S.-
Muffasil, District- Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Lakshmi Kant Sharma, Advocate
Mr. Rajesh Kumar, Advocate
For the Opposite Party : Mr. Pranav Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 25-01-2017 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in Muffasil P.S.

Case No. 414 of 2016 instituted for the offence under Section 414

of the Indian Penal Code and Sections 30(a), 30(G) of the Bihar

Prohibition and Excise Act.

It is alleged that one Apache Motorcycle boarded by

two persons was apprehended by the police and 12 piece of liquor

was recovered from their possession. The driver of the vehicle

disclosed his name as Dhiraj Kumar and pillion rider as Raju

Kumar. They did not give any satisfactory explanation about the

recovered liquor. They disclosed that they purchased those liquors



from Aman Kumar (petitioner) of village-Khamhar and used to sell the same. The seizure list was prepared. Thereafter on disclosure of Dhiraj Kumar and Raju Kumar, police went to village-Khamhar and raided the residential house of this petitioner and found no member was present in the house. In presence of witnesses, three cartoons containing 36 bottles of Royal Stag of 750 ml. each, one Hero Honda Motorcycle and a Laptop were recovered. Thereafter the police party went to the house of Raju Kumar and 10 bottles of Blender's Pride of 750 ml. were seized from there.

Copy of seizure list is enclosed with the written report, which does not bear signature of either petitioner or any family members of the petitioner. From the written report itself it appears that the name of this petitioner was disclosed by motorcycle riders namely Raju Kumar and Dhiraj Kumar, who were apprehended by the police. The police has mentioned in written report itself that neither petitioner nor any of the family members was present at the time of raid in the house. The house of petitioner was raided on the statement of Raju Kumar and Dhiraj Kumar, who were apprehended by the police. In this manner, besides disclosure of the name by the co-accused, who were apprehended by the police, there is no any specific overt act



against this petitioner. From the seizure list it also reveals that no recovery has been made from the conscious possession of this petitioner. It is mentioned in para-3 of the bail petition that petitioner has clean antecedent. In the circumstances, prayer of the petitioner for anticipatory bail is allowed.

In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Muffasil P.S. Case No. 414 of 2016, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Sanjay Priya, J.)

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