

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36396 of 2018

Arising Out of PS. Case No.-81 Year-2018 Thana- TEGHRA District- Begusarai

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1. Gaurav Kumar, son of Sudheer Singh
 2. Manish Kumar @ Manish Singh, Son of Shankar Singh
 3. Santosh Kumar, Son of Bhushan Singh
- All resident of Village - Ayodhya, P.S.- Teghra, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Manoj Kumar Singh, Advocate
For the Opposite Party/s : A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 03-07-2018 Heard Sri Manoj Kumar Singh, learned counsel for the petitioners and learned Additional Public Prosecutor.

Three petitioners, apprehending their arrest in connection with Teghra P.S. Case No. 81 of 2018 , registered for the offence under Section 30/30(A) of the Bihar Prohibition and Excise Act, 2016, have prayed or grant of bail in the event of their arrest or surrender.

Learned counsel for the petitioners submits that on false accusation all the three petitioners have been made accused with others , whereas, nothing was recovered from conscious possession of petitioners. Learned counsel for the petitioners further by way of referring to the F.I.R. submits that



of- course Police raiding party has claimed to identify some of the accused in the light of Jeep, but petitioner no. 1 was not shown to be identified even in the vehicle light. Only on suspicion or source information petitioner no. 1 was made accused. So far petitioner nos. 2 and 3 are concerned, he submits that it is difficult to comprehend as to under what circumstances Police in late night in the light of vehicle has identified both of them.

Learned Additional Public Prosecutor submits in this case a Pick -Up Van was located on secret information, which was loaded with huge quantity of Indian make foreign liquor and while Police party arrived, accused persons fled away and in vehicle light four persons were identified, however, learned Additional Public Prosecutor did not dispute the fact that petitioner no. 1 was not shown to be identified.

Accordingly, prayer for grant of anticipatory bail in respect of petitioner nos. 2 and 3 considering the fact that they were identified stands rejected.

So far petitioner no. 1 is concerned, in view of the facts and circumstances as well as the fact that he is not having any criminal antecedent, which fact has been stated in paragraph no. 3 of the petition, in the event of his arrest or



surrender within a period of six weeks from today, let petitioner no. 1 /Gaurav Kumar be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge –Ind cum Special Judge, Excise Act, Begusarai / concerned court in connection with Teghra P.S. Case No. 81 of 2018 subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

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