

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73692 of 2018

Arising Out of PS. Case No.-60 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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Jitendra Singh @ Jitendra Kumar, Son of Bipin Singh @ Bipin Kumar Singh,
Resident of Village- Ratanpur, Police Station-Begusarai, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Raju

For the Opposite Party/s : Mr. Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30(a), 32(i) and 41(2) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution is that during the raid on 10.08.2018 at 07.40 at By-pass road bus stand, a bolero vehicle was intercepted and 162 litres of liquor was recovered from the said vehicle. The persons apprehended from the scene disclosed their name as Suraj Kumar and Gopal Kumar. The apprehended accused persons also disclosed the name of the petitioner.



It is submitted by learned counsel for the petitioner that neither there is any recovery from the conscious physical possession of the petitioner nor the petitioner is the owner of the vehicle in question. It is further submitted that one, Raj Kumar Singh is the owner of the vehicle in question. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioner.

Considering the fact that even assuming the accusation to be true no offence under Bihar Prohibition and Excise (Amendment) Act, 2018 is made out against the petitioner, since there is no recovery from the conscious physical possession of the petitioner, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned **Additional District and Sessions Judge-IIInd-cum-Special Judge (Excise) Lakhisarai** in



connection with **Excise Case No. 60c2 of 2018 arising out of**
P.R. No. 09 dated 10.08.2018, subject to the condition as laid
down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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