

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7963 of 2019

Arising Out of PS. Case No.-304 Year-2018 Thana- CHAKIA District- East Champaran

Aditya Kumar @ Bhaddu, aged about 24 years (male), S/o- Ajay Kumar @
Ajay Pd. Gupta, Resident of Village-Kuawa, P.S-Chakai, District-East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Neelam Kumari

For the Opposite Party/s : Mr.Rita Verma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-02-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 272, 273 and 290 of
the IPC and Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case, as per the self statement of Sanjay
Kumar, S.H.O., Chakiya Police Station, dated 19.11.2018 is to
the effect that on the same day at 1.30 A.M., the informant
received a secret information that the smugglers of illicit liquor,
namely, Ashok Singh, Kundan Sah and Aditya Kumar
(petitioner) are carrying illicit liquor by a Scorpio vehicle,
whereupon a raid was laid and 4-5 persons were found



unloading the illicit liquor from a rickshaw near a cattle shed hutment, but all the accused persons managed to flee away from the scene. However, local people conveyed the name of six accused persons including the petitioner. From the rickshaw, 124.56 litres of illicit foreign liquor were recovered.

It is submitted by learned counsel for the petitioner that recovery has not been made from the possession of the petitioner and only on the basis of suspicion, the accusation has been levelled against the petitioner. It is further submitted that the alleged hutment belongs to one Sunil Rai, which gets reflected from the seizure list. 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 the name of the petitioner sprang up on the statement of local people from where the seizure was made.

Considering the fact that prosecution report does not suggest that recovery has been made from the 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 ADJ-VII-cum-Special Judge (Excise), Motihari in connection with Chakia P.S. Case No. 304 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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