

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4140 of 2019

Arising Out of PS. Case No.-426 Year-2018 Thana- DARIYAPUR District- Saran

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Shailesh Kumar @ Shailsh Kr. Rai, Son of Arjun Rai Vill-Chhotka Baneya,
P.S-Dariyapur, Distt.-Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 28-01-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 29.12.2018 in a case registered for the offences punishable under Sections 30, 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from a truck, parked in front of the house of the petitioner, 902 litres of foreign illicit



liquor, Rs.13,000/- and Samsung mobile were recovered.

It is submitted by learned counsel from the petitioner that the recovery can not be treated from the possession of the petitioner as the petitioner is neither the owner nor the driver of the truck in question. A statement to that effect has been made in paragraph no.10 of the petition which reads as follows:

“10. That there is no other substantive evidence to suggest the implication of the petitioner in the present case. The petitioners unaware with the alleged recovery in question. Admittedly the recovery was made from the truck and the petitioner has no concern either with the truck or with the alleged recovery in question. He in no way concern with the owner of the vehicle in question. The petitioner has no knowledge regarding the alleged recovery.”

A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made in front of the house of the petitioner.

Considering the fact that the FIR does not suggest that the truck in question has been found registered in the name 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 bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **6th Addl.**



**Sessions Judge, Saran at Chapra in connection with Dariyapur
P.S. Case No.426 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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