

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4950 of 2019

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

RAVI KUMAR Son of Harendra Rai Village- Rahar Deyara, PS- Sonpur,
District - Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjana

For the Opposite Party/s : Mr. Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-01-2019 Heard learned counsels for the parties.

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 as per the self statement of Anuj Kumar Singh, SHO, Dariyapur Police Station recorded on 29.12.2018 at 2.45 P.M. is to the effect that on secret information that the liquor is being smuggled through a truck parked near the house of co-accused Shailesh Kumar, a raid was laid and on seeing the police party, eight persons including the driver of the truck in question tried to flee away. It is alleged that from the truck parked in front of the house of co-accused Shailesh Kumar, 902 litres foreign liquor was recovered and on chase being made, the petitioner was apprehended.

It is submitted by learned counsel for the petitioner that



the petitioner has neither any concern with the truck in question nor was he found sitting in the truck nor was he found unloading any article from the truck.

Learned APP submits that huge quantity of liquor was recovered and the petitioner was found escaping from the place of recovery.

This Court is dismayed to find that the prosecution deliberately has not disclosed the name of the owner of the truck in question.

Considering the fact that the prosecution case does not suggest recovery from the conscious physical possession of the petitioner, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent and the period in custody, let the petitioner above named 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 the learned ADJ VI, Saran at Chapra in connection with Dariyapur P.S. Case No.426 of 2018.

(Dinesh Kumar Singh, J)

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