

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4679 of 2019

Arising Out of PS. Case No.-119 Year-2018 Thana- DIGHA District- Patna

Sanjay Kumar Sinha, Son of Birju Yadav, Resident of Near Sati Chauraha
Mandir Mubarkarpur, Danapur Cantt, P.S-Danapur Cantt. Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Shekhar

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-01-2019 The matter was called but the file was not available

so the matter was adjourned. Thereafter, the file was supplied by

the office, hence the matter is being taken up.

Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case

registered for the offences punishable under Sections 30(a) and

38(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the written report of Md.

Fasiur Rehman, A.S.I., Digha P.S. submitted to the Station

House Officer, Digha Police Station, is to the effect that from

the car of the petitioner, four bottles of 750 ml. each illegal



foreign liquor was recovered when two accused persons were apprehended on the spot, who are co-accused Vijay Kumar driver of the vehicle and co-accused Suraj Kumar.

It is submitted by the learned counsel for the petitioner that admittedly neither the petitioner was travelling in the vehicle in question nor has he been named in the FIR. It is further submitted that since the petitioner is owner of the apprehended vehicle, he has maliciously been roped in the present case. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by the learned APP for the State that since the recovery has been made from the vehicle of the petitioner, he has been made accused in the present case.

Considering the fact that specific accusation is against the apprehended co-accused Vijay Kumar and Suraj Kumar and the petitioner was not found present at the spot when the recovery was made, coupled with the statement made in paragraph no.3 of the petition that the petitioners are 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 **Special Judge, Excise, Patna** in connection with **Digha P.S. Case No.119 of 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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