

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6014 of 2019

Arising Out of PS. Case No.-705 Year-2018 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Shyam Kumar Singh, aged about 32 years, (Male), S/o- Haricharn Singh, R/o
Village- Morsand Tole Bahadura, Police Station-Pusa, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar

For the Opposite Party/s : Mr.Ram Bachan Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2019 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 and 273 of the
IPC and Sections 30(a), 36, 41 and 47 of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case is that from a truck, 2757.4 litres of
illicit foreign liquor were recovered. The name of the petitioner
sprang up on the confession of apprehended co-accused as the
person who in league with one Rajesh Kumar got the
assignment of liquor.



It is submitted by learned counsel for the petitioner that the petitioner is neither the owner of the truck nor is he connected with the alleged recovered liquor and only on the basis of suspicion, the petitioner has been roped in the present case. Moreover, similarly situated co-accused, Rajesh Kumar Rai has been granted privilege of anticipatory bail by a Bench of this Court vide order dated 29.01.2019, passed in Cr. Misc. No. 3400 of 2019. 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 name of the petitioner sprang up on the confession of apprehended co-accused person.

Considering the fact that accusation does not suggest the recovery 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 3rd Additional Sessions Judge-cum-Special Judge, Excise, Samastipur. in connection with Samastipur (Muffasil) P.S. Case No.705 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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