

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9758 of 2019

Arising Out of PS. Case No.-731 Year-2018 Thana- ARA NAGAR District- Bhojpur

Ankush Kumar Singh, Son of Vinay Kumar Singh, Resident of Village-Barka
Dumara, P.S.-Ara Muffasil, District-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-02-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is to the effect that from a WagonR car, 68.15 litres of Indian made foreign liquor were recovered and one person was apprehended, who disclosed his name as Rakesh Kumar Singh @ Raja and also disclosed the name of the person who escaped from the scene as Ankush Kumar Singh, the petitioner.



It is submitted by learned counsel for the petitioner that recovery has not been made from the conscious physical possession of the petitioner and the name of the petitioner sprang up on the statement of apprehended co-accused person. It is further submitted that the seized vehicle does not belong to the petitioner, statement to that effect has been made in paragraph no.10 of the petition. 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 apprehended co-accused person.

Considering the fact that the petitioner was not apprehended from the place of seizure and material on record does not suggest that the prosecution has ascertained the ownership of the vehicle in question, 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 4th Additional District and Sessions



Judge, Bhojpur at Ara in connection with Excise Case No. 2210
of 2018 arising out of Ara Town P.S. Case No. 731 of 2018,
subject to the condition as laid down under Section 438(2) of
the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

