

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12564 of 2019

Arising Out of PS. Case No.-120 Year-2018 Thana- SHYAMPUR BHATHA District-
Sheohar *

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Rajeev Pande, aged about 20 years (male), Son of Lalbabu Pande Resident of
Village - Bira Chhapara, P.S.- Shyampur Bhataha, Dist.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh
For the Opposite Party/s : Mr. Anbzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-03-2019 Heard learned Counsel for the petitioner and learned
APP for the State.

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

The prosecution case as per the written report of A.S.I.,
Ravindra Kumar submitted to SHO, Shyampur Bhatha Police
Station is to the effect that on 06.11.2018, when the informant
was on patrolling, arrested ten persons, who were gambling. The
apprehended co-accused Rambabu Patel, who was in intoxicated
situation disclosed that he used to purchase the illicit liquor
from co-accused Rambabu Rai and Shyambabu Rai, whereupon
the informant along with other police personnel raided the house



of co-accused Rambabu Rai and Shyambabu Rai and from their houses, illicit country made liquor were recovered. It is further alleged that these accused persons used to purchase wine from co-accused Raj Kumar Rai and Rakesh Kumar, who were also indulged in the business of sale and purchase of illicit liquor, on the basis of such information, they raided the house of co-accused Raj Kumar Rai and Rakesh Kumar and from their houses also, illicit liquor were recovered and in their confessional statement they disclosed the name of the petitioner from whom they used to purchase illicit liquor.

It is submitted by learned counsel for the petitioner that there is no recovery from the conscious physical possession of the petitioner and the name of the petitioner sprang up on the confessional statement of apprehended co-accused persons. It is further submitted that similarly situated co-accused Raj Kumar@ Raj Kumar Rai has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 25.01.2019 passed in Cr. Misc. No. 3774 of 2019. 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 learned APP for the State that the name of the petitioner sprang up on the confessional statement of co-



accused persons.

Considering the fact that the name of the petitioner sprang up on confessional statement of apprehended co-accused persons and the accusation does not suggest recovery from the conscious physical possession of the petitioner, coupled with 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 or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **I/C Additional District and Session Judge-II-cum-Special Judge, Excise Act, Sheohar** in connection with **Shyampur Bhataha P.S. Case No.120 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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