

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6358 of 2019

Arising Out of PS. Case No.-376 Year-2018 Thana- FALKA District- Katihar

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Dipak Kumar, aged 36 years, Male, Son of Kailash Yadav R/O-Pakaria, P.S.-
Falka, Distt- Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Veena Rani Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 11.12.2018 in a case registered for the offences punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

The prosecution case is that on a secret information received to the effect that some persons are about to transport illicit liquor in an auto rickshaw, a raid was laid and an auto rickshaw was intercepted by S.H.O. of Falka P.S. on 12.09.2018, when three persons, Anup Lal Hembram, Seni Devi @ Marangmay Devi and Md. Sohail were apprehended in the



said auto rickshaw. From the auto rickshaw and from the possession of co-accused Anul Lal Hembram and Seni Devi, 300 litres of illicit country made liquor were recovered. Co-accused Md. Sohail, the driver of the auto rickshaw disclosed that the auto rickshaw was given by the petitioner for transporting the consignment.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the petitioner and except the confession of apprehended co-accused, no material has been collected during investigation against the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up in confession of apprehended auto rickshaw driver.

Considering the fact that the accusation does not suggest any recovery from the petitioner coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 learned Additional Sessions Judge II



-cum- Special Judge, Katihar in connection with Falka P.S. Case
No. 376 of 2018.

(Dinesh Kumar Singh, J)

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