

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7413 of 2019

Arising Out of PS. Case No.-164 Year-2018 Thana- KARAKAT District- Rohtas

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ARUN PANDEY, son of Hridyanand Pandey Resident of Village-Jamuan
Tola, P.S.- Karakat, District - Rohtas at Sasaram

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Adv.

For the Opposite Party/s : Mr.Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 14.09.2018 in a case registered for the offence punishable under Sections 30(a),36, 56(d) of the Bihar Prohibition and Excise, Act, 2016.

The prosecution case got initiated on the basis of written report dated 14.09.2018 submitted by Shambhu Bhagat to the Station House Officer, Karakat Police Station is to the effect that on the same day at 4.15 A.M., while the informant was on patrolling, he received a secret information that the petitioner Arun Pandey and co-accused, Ashok Yadav are preparing to hide illicit foreign liquor in the guava orchard of the petitioner and laid a raid, whereupon, the petitioner was apprehended from the spot and a pickup van was found parked



there from which, 907.2 litres of foreign liquor were recovered.

It is submitted by learned counsel for the petitioner that the alleged recovery cannot be treated from the possession of the petitioner and the petitioner was neither the driver nor the owner of the vehicle in question from which the said recovery has been made. A statement to that effect has been made in paragraph no.6 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 for the State submits that the petitioner was found in suspicious condition near the pickup van from which the recovery of illegal foreign liquor was made.

Considering the recovery not being made from the conscious physical possession of the petitioner, the impugned order does not suggest the identity of vehicle in question from which the illegal foreign liquor were seized and the investigation being concluded, period under custody and statement being 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 bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned 2nd Additional District and Sessions Judge-cum-Special
Judge, Excise, Rohtas at Sasaram in connection with Karakat
P.S. Case No. 164 of 2018.

(Dinesh Kumar Singh, J)

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