

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8268 of 2019

Arising Out of PS. Case No.-156 Year-2018 Thana- PANAPUR District- Saran

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Haidar Ali @ Hawaldar @ Hawaldar Miyan, aged about 40 years, Gender Male, Son of Late Jamadar Miyan, Resident of Village - Turki (Panapur Bazar), PO- Rasauli, P.S. Panapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan

For the Opposite Party/s : Mr. Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-02-2019 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the written report of A.S.I., Prabhunath Mishra submitted to S.H.O., Panapur Police Station is to the effect that on 01.10.2018 at 10.15 A.M., a secret information was received that the petitioner is involved in the business of country made liquor and from him the co-accused Ramesh Singh is carrying illicit liquor on his motorcycle. Thereafter, a raid was laid, on seeing the police personnel, they tried to escape from the scene, but on chase being made, a



person was apprehended, who disclosed his name as Ramesh Singh, and from his possession, country made liquor were recovered from two sacks tied in the motorcycle. He further confessed the name of the petitioner in his statement.

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 in the confessional statement of the apprehended co-accused Ramesh Singh. 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 confessional statement of the co-accused, Ramesh Singh.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioner and the name of the petitioner sprang up on the confessional statement of co-accused Ramesh Singh, 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) each with two sureties of like amount each to the satisfaction of learned **6th Additional District and Sessions Judge, Saran at Chapra** in connection with **Panapur P.S. Case No.156 of 2018** subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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