

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14958 of 2019

Arising Out of PS. Case No.-401 Year-2018 Thana- MASHRAK District- Saran

1. Rajesh Singh @ Rajesh Kumar Singh, Son of Bake Bihari Singh, Resident of Village - Dumri Chakia, P. S. - Goraiya, District - Saran at Chapra.
2. Dharmendra Singh, Son of Bake Bihari Singh Resident of Village - Dumri Chakia, P. S. - Goraiya, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Singh

For the Opposite Party/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-03-2019 Heard learned Counsels for the petitioners and
learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 467, 468, 471 and 120(B) of the Indian Penal Code and Sections 30, 30(a), 38 and 41 of Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the written report of Ajay Kumar Paswan, SHO, Mashrak Police Station submitted to learned Additional District and Sessions Judge-VIth, Saran at Chapra is to the effect that on 27.11.2018 at about 6.00 P.M., a secret information was received that the huge quantity of illicit liquor is being transported. Whereupon, a team of police



personnel was constituted and a raid was laid and a truck and a Honda city car were found parked near the Masrakh Taraiya Chowk. It is further alleged that two persons were apprehended from the Honda city car, who disclosed their names as Salim and Asif. From the dicky of the car, 20 cartons containing Beer were recovered. Thereafter, a search was made of the truck in question and from the special cabin in the truck, 1140.570 litres Indian made foreign liquor were recovered. The apprehended accused persons disclosed that the said consignment of truck belongs to petitioner no.2, Dharmendra Singh, who use to do the business of illicit liquor. It is further alleged that Rajesh Singh @ Rajesh Kumar Singh (petitioner no.1) the brother of Dharmendra Singh (petitioner no.2) is also involved in the said business of illicit liquor.

It is submitted by learned counsel for the petitioners that there is no recovery from the conscious physical possession of the petitioners. It is further submitted that the petitioners are neither the owner of the vehicles in question nor any of them are the driver of the any of the apprehended vehicles. A statement has been made in paragraph no. 3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the name



of the petitioners sprang up on the confessional statement of the apprehended co-accused persons and petitioners are named in the FIR.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioners and the prosecution does not suggest that the actual ownership of any of the vehicles has been ascertained, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned **Additional District and Sessions Judge-VIth, Saran at Chapra** in connection with **Masrakh P.S. Case No.401 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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