

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10358 of 2019

Arising Out of PS. Case No.-117 Year-2018 Thana- RAJENDRA NAGAR (T) RAIL P.S.
District- Patna

Niranjan Kumar @ Niranjan Jaiswal, Son of- Hari Kishore, Resident of
Mohall-Ganga Bihar Colony, Digha Ghat, P.S-Digha, Dist.-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Arbind Kumar Pandey (APP-84)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-02-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 273/34 of the IPC
and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the FIR is to the effect that on
13.04.2018, two persons were apprehended from the Railway
platform of Rajendra Nagar Terminal, who disclosed their name
as Abhishek Gupta and Sautip Sil and from their possession,
26.250 litres of India made foreign liquor were recovered. The
apprehended co-accused persons also disclosed that they have



brought the said consignment from Kolkata to get it delivered to the petitioner.

It is submitted by learned counsel for the petitioner that admittedly, recovery has not been made from the conscious physical possession of the petitioner and the petitioner was not present at the place of seizure. 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 confession of apprehended co-accused persons.

Considering the fact that prosecution does not suggest that the recovery has been made from the physical conscious possession of the petitioner, 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) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Rail Police Station (Rajendra Nagar Terminal) Case No. 117 of 2018, subject to the condition as laid down



under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

