

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10629 of 2019

Arising Out of PS. Case No.-721 Year-2018 Thana- DANAPUR District- Patna

-
1. Roshan Kumar @ Mehhiya. Son of-Rajesh Ray Resident of Jhunjhunwala Road, Danapur Cantt, P.S.- Danapur, District - Patna.
 2. Raja Kumar @ Raja Yadav Son of-Nagendra Ray Resident of Jhunjhunwala Road, Danapur Cantt, P.S.- Danapur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Sinha

For the Opposite Party/s : Mr.Amarendra Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-02-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 30(a), 36 and 37(b) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the FIR is to the effect that on 13.10.2018, the informant, being S.I. of Police, Danapur Police Station received a secret information that certain persons are indulged in trading of illicit liquor, whereupon raid was laid, when one Gopal Kumar was apprehended, from whose possession, 16 litres of illicit country made liquor were recovered. At the instance of apprehended co-accused, Gopal Kumar, from near the temple, 75 litres of country made liquor



were recovered and from the possession of Chandan @ Raju, 10 litres of illicit country made liquor were recovered. The apprehended co-accused, Gopal Kumar stated that trade of illicit liquor is being facilitated by the petitioners.

It is submitted by learned counsel for the petitioners that admittedly, recovery has not been made from the conscious physical possession of the petitioners and the name of the petitioners sprang up on the confession of apprehended co-accused person. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the name of the petitioners sprang up on the confession of apprehended co-accused person, from whose possession, recovery has been made.

Considering the fact that prosecution does not suggest that the recovery has been from the conscious physical possession of the petitioners, coupled with the 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/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 Special Judge (Excise) Court, Patna in connection with Danapur P.S. Case No. 721 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	
---	--	---	--

