

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10626 of 2019

Arising Out of PS. Case No.-226 Year-2018 Thana- KATRA District- Muzaffarpur

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1. Sumit Kumar @ Sumit Sah, Son of- Ajay Sah, Resident of Village-Tehwara, P.S.-Katra, Distt.- Muzaffarpur
 2. Sanjay Sah @Sanjay Kumar Sah, Son of- Ram Bharosh Sah, Resident of Village-Tehwara, P.S.-Katra, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Md. Nazir Ansari

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), 38(i) and 38(ii) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the written report of A.S.I., Ramendra Prasad, submitted to the Station House Officer, Katna Police Station, is to the effect that on 28.10.2018, during night patrolling, the informant came to know that Petitioner no.1, Sumit Sah, Petitioner no.2, Sanjay Sah, co-accused, Amit Sah, Ritesh Kumar and Ashok Kunwar use to trade illicit liquor. The informant also came to know that all the accused persons including the petitioners have brought the illicit liquor in a



Bolero vehicle, whereupon raid was laid, when on seeing the police personnel, all the accused persons including the petitioners escaped from the scene. From the alleged Bolero vehicle, 34.90 litres of India made foreign liquor were recovered.

It is submitted by learned counsel for the petitioners that admittedly, recovery has not been made from the conscious physical possession of the petitioners. The petitioners have no concern with the alleged vehicle, statement to that effect has been made in paragraph no.10 of the petition.

Learned APP submits that the name of the petitioners sprang up on the statement of co-villager of the petitioners, namely, Gautam Singh.

Considering the fact that prosecution report does not suggest that any effort was made by the prosecution to ascertain the ownership of the vehicle in question, column IV of the seizure list is the place of seizure, but the same has not been filled up by the prosecution, which suggest the callous manner in which the prosecution is proceeding with the investigation, 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, Muzaffarpur in connection with Katra P.S. Case No. 226 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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