

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10976 of 2019

Arising Out of PS. Case No.-348 Year-2018 Thana- KHAGAUL District- Patna

Sunny Kumar, Son of Kamlesh Prasad @ Billu, R/o-Chhoti Badalpura,
Lakhpar, P.S.- Khagaul, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-02-2019 Heard learned counsels for the petitioner and the
State.

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

The prosecution case, as per the written report of Ram Pravesh Yadav, A.S.I., submitted to the Station House Officer, Khagaul Police Station, is to the effect that on 08.12.2018, while the informant was on night patrolling, at 2 A.M., he reached near the water tank and found an auto-rickshaw, a black motorcycle and a scooty parked and three persons escaping from the scene. From the auto rickshaw, 162 litres, from the motorcycle, 9 litres and from the scooty, 9 litres of illicit foreign liquor were recovered. The local people suggested that the



petitioner and two unknown persons escaped from the scene.

It is submitted by learned counsel for the petitioner that admittedly recovery has not been made from the conscious physical possession of the petitioner. A statement has been made in paragraph no.7 of the petition that the petitioner has no concern with the alleged auto rickshaw, motorcycle and scooty. 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 petitioner escaped from the place of seizure.

Considering the fact that prosecution does not suggest that the recovery has been made from the conscious physical 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 Spl. Judge Excise Act, Patna in connection with Special Case No. 11644 of 2018, arising out of Khagaul P.S. Case No. 348 of 2018, subject to the condition as



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

The bail bonds of the petitioner shall be provisionally accepted till the verification of the fact that the petitioner is not the owner of either of three seized vehicles. If it is found that the petitioner is the owner of any of the seized vehicles, then the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Amrendra/-

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