

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15758 of 2019

Arising Out of PS. Case No.-330 Year-2018 Thana- RAMNAGAR District- West Champaran

RAHUL KUMAR, S/o Pradeep Kumar, R/o Village- Rampur, P.S.- Bhangaha,
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-03-2019 Heard learned counsel 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 is that the informant Rajeev Ranjan Singh, A.S.I., Ramnagar Police Station during patrolling found a person with a black coloured bag sitting on a motorcycle while other person with a bag was sitting on the said motorcycle but on seeing the police party, both of them after throwing the bag, started fleeing away but on chase one of them was apprehended and disclosed his name as Pradeep Kumar Gupta and the person who flee away as Rahul. During frisking, from the bag, 12.240 litres of foreign liquor were recovered. The apprehended accused further disclosed that his



son Rahul Kumar transports the illicit liquor from Uttar Pradesh and sells the same.

It is submitted by learned counsel for the petitioner that the petitioner has been named only on the basis of confessional statement of co-accused and a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioner escaped from the scene on seeing the police party and he is named in the FIR.

Considering the fact that the accusation is based upon the confessional statement of the apprehended co-accused being, father of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

However, keeping in view of the fact that there is no recovery from the conscious physical possession of the petitioner coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, it is a case for consideration of prayer for regular bail.

Let the learned Court below consider the prayer for regular bail of the petitioner and preferably dispose of on the



same day, if the petitioner surrenders within a period of six weeks in connection with Ramnagar P.S. Case No. 330 of 2018, pending before the learned Special Judge, Excise, Bettiah, West Champaran.

With the above observation, this application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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