

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13346 of 2019

Arising Out of PS. Case No.-242 Year-2018 Thana- NADI P.S. District- Patna

Bhola Rai, Son of Jawahir Rai, Resident of Village - Kripal Tola, P.S.- Nadi,
Distt - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha
For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-03-2019 Heard learned Counsels for the petitioner and
learned APP for the State.

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

The prosecution case as per the written report of S.I., Sanjit Kumar Singh submitted to SHO, Nadi Police Station is to the effect that on 25.11.2018 at about 4.00 P.M., during patrolling a secret information was received that I.M.F.L. (Indian Made Foreign Liquor) is transported through water channel. Whereupon, a raid was laid and four persons were found unloading some bags from a boat. On seeing the police personnel, two persons escaped from the scene, whereas two other persons were apprehend, who disclosed their name as Haribansh Rai and Chotu Kumar. It is further alleged that the



apprehended co-accused persons disclosed the name of persons, who escaped from the place of occurrence as Bhola Rai (petitioner) and co-accused Randhir Kumar.

It is submitted by learned counsel for the petitioner that there is no recovery from the conscious physical possession of the petitioner and the name of the petitioner sprang up on the confessional statement of apprehended co-accused persons. 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 name of the petitioner sprang up on the confessional statement of apprehended co-accused persons and the petitioner is named in the FIR.

Considering the fact that accusation does not suggest any 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, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Special**



Judge Excise, Patna in connection with **Special Case No.11222 of 2018, Nadi P.S. Case No.242 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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