

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15496 of 2019

Arising Out of PS. Case No.-432 Year-2018 Thana- TAJPUR District- Samastipur

RAM BHROS DAS, Son of Mahendra Das, Resident of Village-Motipur,
P.S.-Tajpur, District-Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 08-07-2019 Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with Tajpur P.S.Case No. 432 of 2018 registered under Sections 272 and 273 of the Indian Penal Code and Sections 30(a)/41(i)(ii) of the Bihar Prohibition and Excise Act, 2016.

Allegation against the petitioner is that during the course of patrolling, the police reached near Jamuari Bridge and found four-wheeler vehicles standing in suspicious condition and upon seeing the police, three persons started fleeing away taking advantage of darkness and succeeded in fleeing away. On search, 30 cartons of foreign liquor from Scorpio vehicle and 60 cartons of foreign liquor from Tata Sumo vehicle was recovered in presence of two independent witnesses. It has further been alleged that villagers informed that persons, who fled away, one



of them was petitioner.

Learned counsel for the petitioner submits that foreign liquor in question was not recovered from the conscious possession of the petitioner and from the FIR, it would be evident that illegal liquor has been recovered from Scorpio and Tata Sumo vehicles, which were standing in abandoned condition. He further submits that petitioner was neither the owner nor the driver of the vehicles from where illegal liquor has been recovered.

After having heard learned counsel for the parties and taking into consideration the fact that recovery of illegal liquor has not been made from the conscious possession of the petitioner and he is neither owner nor driver of the vehicles as such upon perusal of the FIR, no *prima facie* case is made out against the petitioner, accordingly, I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned ADJ-III-cum-Special Judge, Excise, Samastipur in connection with Tajpur P.S. Case No. 432



of 2018; subject to condition as laid down under Section 438(2)
of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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