

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15752 of 2019**

Arising Out of PS. Case No.-729 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

1. Habibullah Ansari @ Kallu@ Kallu Miya, Son of Late Hakim Miya, Resident of Village- Khairatiya, Police Station - Mirganj, District- Gopalganj.
2. Saddam Husain, Son of Kalamuddin Ansari, Resident of Village- Khairatiya, Police Station - Mirganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 14-03-2019 Heard learned Counsel for the petitioners and
learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 272 and 273 of the IPC and under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case as per the self statement of Dharmendra Kumar, SHO, Siwan Muffasil P.S. is to the effect that on 24.12.2018 at 11.00 P.M., a white colour Scorpio vehicle



was intercepted in which four accused persons were found travelling. It is further alleged that on seeing the police party, all the accused persons tried to flee away from the scene, but two accused persons were apprehended and two other managed to escape from the scene. The apprehended co-accused persons disclosed their name as co-accused, Mansoor Khan and co-accused, Chotelal @ Noor Mohammad and they also disclosed the name of the persons who managed to escape from the scene as petitioner no.1, Habibullah Ansari @ Kallu as the owner and petitioner no.2, Saddam Hussain as the driver of the vehicle in question. It is further alleged that from the vehicle in question, 1.8 litres of Indian made foreign liquor were recovered.

It is submitted by learned counsel for the petitioner that the petitioner no.1 is the owner of the vehicle in question and only on the basis of mere suspicion, these petitioners have been roped in the present case. A statement has been made in paragraph no. 3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the alleged recovery has been made from the vehicle in which the petitioners were travelling.

Considering the fact that the recovery has been made



from the vehicle in which the petitioners were travelling and petitioners are the owner and the driver of the vehicle in question, this court is not inclined to grant them anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioners is rejected in connection with **Siwan Muffasil P.S. Case No.729 of 2018**, pending in the Court of learned **Addl. District and Sessions Judge-II-cum-Special Judge, Siwan.**

However, the learned Court below may consider the prayer for regular bail of the petitioners, if they surrender within a period of six weeks.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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