

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15789 of 2019**

Arising Out of PS. Case No.-9 Year-2019 Thana- KHANPURA District- Samastipur

PUSHPAK KUMAR Son of Sanjay Kumar Mahto Resident of Village -
Bujurg Dwar, P.S.- Khanpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 14-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 18.01.2019 in a case registered for the offences punishable under Sections 30(a), 35(a), 41(i)(ii) and 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case got initiated on the basis of self-statement of S.I., Arjun Prasad Singh, Khanpur Police Station, Samastipur on 17.01.2019 at 06.00 A.M. to the effect that on 16.01.2019 at 10.45 P.M., during patrolling, after having received secret information that illicit liquor is being transported, a raid was laid, but on seeing the police party, the



accused persons tried to escape from the scene, but two of them were apprehended and a pickup van and two motorcycles were seized. During frisking, from the motorcycle over which the petitioner was found seated, 18 litres of Indian Made Foreign Liquor, whereas from the pickup van, total 458 litres of Indian Made Foreign Liquor were recovered

It is submitted by learned counsel for the petitioner that the petitioner has been apprehended only on the basis of suspicion and a statement has been made in paragraph no.8 of the petitioner that the petitioner has no concern with the seized vehicles, mobile phones and the illicit liquor. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the possession of the petitioner.

Considering the fact that the prosecution case does not suggest that the ownership of the vehicles in question has been ascertained 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 bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned A.D.J.-III-cum-Special Judge, Excise Act, Samastipur
in connection with Khanpur P.S. Case No. 9 of 2019.

(Dinesh Kumar Singh, J)

Ashwini/-

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