

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15377 of 2019

Arising Out of PS. Case No.-11 Year-2019 Thana- ISUAPUR District- Saran

ARBIND KUMAR RAI Son of Subash Rai, Resident of Parsa, Police Station-
Isuapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-03-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 30, 38, 41 of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case got initiated on the basis of written
report of Laxman Prasad, A.S.I., Isuapur Police Station
submitted to the Station House Officer, Isuapur Police Station
is to the effect that on 27.01.2019 during patrolling, the
informant was informed by the S.H.O., Isuapur Police Station
that co-accused, Anuj Kumar Singh is indulged in the business
of selling of illicit liquor. Consequently, the police team reached
to Village-Gangoi, laid a raid on the house of co-accused, Anuj
Kumar Singh. During course of search, the informant came to



know that co-accused Anuj Kumar Singh has concealed the illicit liquor in the mustard field of co-accused, Arun Kumar Singh. Thereafter, from the mustard field of Arun Kumar Singh, 400 litres of illicit spirit were recovered. During recovery it transpired that co-accused, Anuj Kumar Singh used to bring the said liquor from Arvind Kumar Rai, the petitioner.

It is submitted by learned counsel for the petitioner that the seizure list specifically suggests that the alleged recovery being made from the mustard field of co-accused, Arun Kumar Singh, but surprisingly, co-accused, Arun Kumar Singh has not been made accused by the informant in the present case. It is further submitted that in fact, no recovery has been made from the conscious physical possession of the petitioner. It appears that the whole narrative of the FIR suggests that in order to save co-accused, Arun Kumar Singh, the present case has been instituted against the petitioner and co-accused Anuj Kumar Singh. 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 during search it came to the knowledge of the informant that the illicit liquor was being supplied by the petitioner.

Considering the fact that there is no recovery from



conscious physical possession of the petitioner, the person from whose mustard field, the said recovery was made has not been made as an accused, 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 Additional Sessions Judge-VI-cum-Special Judge (Excise) Act, Saran, in connection with Isuapur P.S. Case No.11 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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