

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16769 of 2019**

Arising Out of PS. Case No.-514 Year-2018 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Binhal Kumar @ Samarjit Kumar, Son of Vijay Kumar, Resident of village-
Sonbarsha, P.S.- BIhpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 26-03-2019 Heard learned counsels for the petitioner and the State.

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

The prosecution case is to the effect that from a truck, 3086 litres of Indian Made Foreign liquor were recovered when five accused persons were apprehended and the truck driver and three other co-accused persons escaped from the scene. The apprehended co-accused persons disclosed the name of the petitioner as one of the persons who escaped from the scene.

It is submitted by learned counsel for the petitioner that no



recovery has been made from the conscious physical possession of the petitioner and the petitioner was not apprehended from the spot. A statement has been made in paragraph no.14 of the petition that the petitioner has no concerned either with the alleged truck or seized liquor. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that name of the petitioner sprang up on the confession of apprehended co-accused persons.

Considering the fact that no recovery has been made from the conscious physical possession of the petitioner, the prosecution does not suggest that the sample of the liquor has been sent to F.S.L. for its chemical examination coupled with the 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/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge-cum-Special Judge, Excise, Bhagalpur in connection with Kotwali(Barari) P.S. Case No.514/2018, subject to condition as



laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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