

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20834 of 2019

Arising Out of PS. Case No.-262 Year-2018 Thana- UCHKAGAON District- Gopalganj

RAJ RISHI RAI @ RAJRASHI RAI, Son of Late Dewata Rai, Resident of
Village- Madhopur, P.S.- Taraiyan Sujan, District- Kushi Nagar (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 20481 of 2019

Arising Out of PS. Case No.-262 Year-2018 Thana- UCHKAGAON District- Gopalganj

JAHUR @ MD. JAHUR ALI, Son of Md. Jugal Miya, Resident of Village-
Madhopur Buzurg, P.S.- Taraiyan Sujan, District- Kushi Nagar (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 20834 of 2019)

For the Petitioner/s : Mr. Arbind Kumar Singh

For the Opposite Party/s : Mr. Parmanand Kumar

(In CRIMINAL MISCELLANEOUS No. 20481 of 2019)

For the Petitioner/s : Mr. Arbind Kumar Singh

For the Opposite Party/s : Md. Ansar Ul Haque

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-04-2019 Heard learned counsels for the petitioners and the
State.



The petitioners are 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, as per the written report of Brajbhusan Singh, S.I.-cum-S.H.O. of Uchakagaon P.S. submitted to the learned Additional District and Sessions Judge-II, Gopalganj is to the effect that on 08.10.2018 at about 12.30 P.M., on the eve of Mahabiri Jhanda, one abandoned car was found parked on Maksudpur-Kuchaykot road. On search being made, 08.640 litres of Indian Made Foreign Liquor were recovered from the car in question. It is further alleged that during investigation, it transpired that petitioner no.1, Raj Rishi Rai is the owner and petitioner no.2, Jahur @ Md. Jahur Ali is the driver of the car in question, from which the alleged recovery has been made.

It is submitted by the learned counsel for the petitioners that neither the petitioners were present at the place of seizure nor the recovery has not been made from the conscious physical possession of the petitioners. 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 the learned APP for the State that the



petitioners are owner and driver of the alleged car from which the alleged recovery has been made.

Considering the fact that material on record does not suggest recovery from the conscious physical possession of the petitioners, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners 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) each with two sureties of like amount each to the satisfaction of learned **2nd Addl. Sessions Judge-cum-Special Judge, Excise, Gopalganj** in connection with **Uchakagaon P.S. Case No.262 of 2018**, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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