

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18655 of 2019**

Arising Out of PS. Case No.-7 Year-2019 Thana- UJIYARPUR District- Samastipur

Mahto Kumar @ Rohit Kumar, Son of Jagdish Singh, R/o village- Najirpur,
P.S.- Ujiyarpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Fahimuddin

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

2 28-03-2019 Heard learned Counsels for the petitioner and
learned APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The prosecution case is that a secret information was received, whereupon a raid was laid, and from one Apache motorcycle, 9 litres of Indian Made Foreign Liquor were recovered and one person was apprehended however others managed to escape from the scene. The apprehended person disclosed his name as Manjay Kumar. It is further alleged that on his disclosure, 186.03 litres of Indian Made Foreign Liquor were recovered from the open area near the house of the



petitioner.

It is submitted by learned counsel for the petitioner that there is no recovery from the conscious physical possession of the petitioner. The petitioner is not the owner of the vehicle in question. A statement to that effect has been made in paragraph no.11 of the petition, which reads as follows:-

“11.That, it is humbly submitted that these petitioners are not owner of the aforesaid Apachi Motorcycle and there no concerned the illegal wine recovered from the aforesaid vehicle.”

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 the apprehended accused persons suggested the name of the petitioner.

Considering the fact that the prosecution does not suggest the recovery from the conscious physical possession of the petitioner and statement made in paragraph no.11 of the petition to the effect that the petitioner is not the owner of the vehicle in question, 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 Session Judge 3rd cum Special Judge, Excise Act, Samastipur** in connection with **Ujiyarpur P.S. Case No.7 of 2019**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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