

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17303 of 2019

Arising Out of PS. Case No.-271 Year-2018 Thana- CHAKIA District- East Champaran

RAJESH SINGH @ RAJESH KUMAR SINGH, Son of Upendra Singh,
Resident of Village - Mahamadpur Balmi, P.S.- Motipur, District -
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-03-2019 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 Section 414 of the Indian Penal Code and under Sections 30(a), 38(1) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the written statement of Hridyanand Singh being, S.I. of Chakiya P.S. submitted to the



S.H.O., Chakiya P.S. is to the effect that after having received a secret information that some persons are transpoting illegal spirit, the informant reached at Chakiya toll plaza and intercepted a Maruti Car. It is further alleged that after seeing the police party two persons who were travelling in the said Maruti Car, started fleeing away leaving behind the Maruti Car but on chase being made, one person was apprehended and other managed to escaped from the scene, the apprehended accused disclosed his name as co-accused, Sandip Kumar. It is also alleged that from the dickey of the vehicle in question, 240 litres of spirit were recovered. The name of the petitioner sprang up on the confessional statement of apprehended co-accused person, as the person who managed to escape from the scene.

It is submitted by learned counsel for the petitioner that nothing has been recovered from the conscious physical possession of the petitioner and only on the basis of confessional statement of the apprehended co-accused, the petitioner has been roped in the present case. It is further submitted that the petitioner has no concern with the vehicle in question from which the recovery has been made. 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 name of the petitioner sprang up on the confessional statement of the apprehended accused as the person who managed to escaped from the scene.

Considering the fact that the prosecution case does not suggest any recovery from the conscious physical possession of the petitioner coupled with the fact 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 **7th Addl. Sessions Judge-cum-Special Judge, Excise, Motihari, East Champaran** in connection with **Chakiya P.S. Case No.271 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Deepak/-

U		T	
---	--	---	--

