

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20021 of 2019**

Arising Out of PS. Case No.-294 Year-2018 Thana- AKHODHIGOLA District- Rohtas

Upendra Ram Son of Late Raj Nath Ram Resident of Village - Mahuari, P.S.-
Akorhi Gola, Distt - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary
For the Opposite Party/s : Mrs.Rita Verma

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

2 12-04-2019 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 that from the bush beside the house of the petitioner, 3 litres of country made mahua liquor were recovered and one accused person was apprehended, who disclosed his name as Sonu Kumar. The apprehended co-accused person also disclosed the name of the petitioner as the person who escaped from the scene.

It is submitted by learned counsel for the petitioner that admittedly, recovery has not been made from the conscious physical possession of the petitioner. 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 the name of the petitioner sprang up on the confession of apprehended co-accused person.

Considering the fact that prosecution case does not suggest that recovery has been made from the conscious physical possession of the petitioner, 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 Additional District and Sessions Judge-II-cum-Special Judge, Excise, Rohtas at Sasaram in connection with Akorhigola P.S. Case No. 294 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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