

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20859 of 2019**

Arising Out of PS. Case No.-5 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

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KRANTI KUSHWAHA @ KRANTI KUMAR SINGH, Son of Shivnath
Singh, Resident of Village - Titra , P.S.- Mairwa, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akshay Lal Pandit

For the Opposite Party/s : Mr. Satyadeo Singh Yadav

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-04-2019 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 Sections 272 and 273 of the Indian Penal Code and under Section 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from a Bolero vehicle, one mobile phone and 190.80 litres of illicit Indian Made Foreign Liquor were recovered. It is further alleged that all the FIR named accused persons including the petitioner were found travelling in the alleged Bolero vehicle, but on seeing the police



party, all of them managed to escape from the scene. It is alleged that the petitioner and other FIR named accused persons were identified by the local *chowkidar* as the persons who managed to escaped 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 suspicion, the petitioner has been roped in the present case. A statement has been made in paragraph no.9 of the petition that the vehicle in question from which the alleged recovery has been made, does not belong to the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one other case apart from the present case, in which he is on bail.

It is submitted by learned APP for the State that recovery has been made from the vehicle in which the petitioner was found travelling.

Considering the fact that nothing has been recovered from the conscious physical possession of the petitioner coupled with the fact that the vehicle in question from which, the alleged recovery has been made, does not belong to the petitioner, 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 **ADJ-II-cum-Special Judge Excise, Siwan** in connection with **Muffasil (Dhanauti) P.S. Case No.05 of 2019**, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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