

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19904 of 2019

Arising Out of PS. Case No.-401 Year-2018 Thana- MASHRAK District- Saran

Manish Singh @ Tinku Singh @ Manish Kumar Singh, Son of Prabhu Nath Singh, Resident of Village- Lauwankala, P.S.- Baniyapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Anuj

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 467, 468, 471, 120B of the Indian Penal Code and Sections 30, 30(a), 38 & 41 of the Bihar Prohibition and Excise Act, 2016.

It is alleged that from a Honda City car and a truck total 1140.570 litres of Indian Made Foreign Liquor were recovered. Two persons were found sitting in the car who disclosed their names as Salim and Asif. On their disclosure, huge quantity of liquor were recovered from a truck. The apprehended persons disclosed the name of other persons including the petitioner as persons who were to receive the consignment.



It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, no offence is made out against the petitioner. The petitioner is not the owner of the either the alleged car or the truck, though the statement to that effect has not been made in the petition. It is further submitted that the name of the petitioner sprang up on the confession of apprehended co-accused, which has no evidentiary value and similarly situated co-accused Ashok Sah has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 10.01.2019 passed in Cr. Misc. No. 79972 of 2018. A statement has been made in paragraph 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 statement of apprehended co-accused.

Considering the fact that the petitioner has not been apprehended from the spot, accusation does not suggest recovery from the petitioner and there is no material on record to suggest that the ownership of any of the vehicle has been ascertained, coupled with the statement made in paragraph 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge, Saran at Chapra in connection with Masrakh P.S. Case No. 401 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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