

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17341 of 2019**

Arising Out of PS. Case No.-675 Year-2018 Thana- SIWAN CITY District- Siwan

Sunil Kumar Son of Motilal Gupta @ Motilal Sah, Resident of Village-
Dakhin tola, Station Road, P.S-Siwan Town, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.
For the Opposite Party/s : Mrs. Asha Kumari, APP

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

2 27-03-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30(a), 36 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from a bush, situated over the land of co-accused Nand Kumar Upadhyay, 260 litres of Indian Made Foreign Liquor were recovered and on enquiry, it was found that the seized illicit liquor were stored by co-accused Rakesh Ram and Sunil Kumar, the petitioner.

It is submitted by learned counsel for the petitioner that admittedly recovery has not been made 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.3 of the petition that apart from present case, the petitioner is also accused in two other cases of similar nature.

Learned APP submits that name of the petitioner sprang up during inquiry.

Considering the fact that prosecution case does not suggest that recovery has been made from the conscious physical possession of the petitioner, 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 Addl. Sessions Judge-II, Siwan in connection with Siwan Town P.S. Case No. 675 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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