

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19375 of 2019

Arising Out of PS. Case No.-88 Year-2018 Thana- DERNI BAZAR District- Saran

Munna Singh Son of Late Janak Singh Resident of Village - Piprahi, P.S.-
Amnour, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udai Shankar Singh
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-04-2019 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 30 and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case got initiated on the basis of self written statement of S.I. Dinesh Ram, S.H.O. Derni Police Station recorded on 06.06.2018 is to the effect that after having received a secret information that near the Middle School, Mahesiya from a truck illicit liquor is being unloaded, laid a raid when one person was identified as co-accused Surendra Rai, who on seeing the police party escaped from the scene. Subsequently, one truck, four pickup vans and two motorcycles parked there were seized and during frisking, altogether 3466.8



litres of Indian Made Foreign Liquor were recovered, leading to registration of FIR against co-accused Surendra Rai, the drivers and owner of the vehicles in question. The petitioner is not named in the FIR, but his name subsequently sprang up during investigation as driver of one of the seized vehicles who escaped from the place of seizure.

It is submitted by learned counsel for the petitioner that the petitioner was not apprehended from the spot and there is no recovery from the conscious physical possession of the petitioner. It is further submitted that petitioner has been roped in the present case only on the basis of suspicion and there is nothing on record to suggest that he was the driver of one of the seized vehicles and similarly situated co-accused Krishna Kumar, Dharmendra Kumar and Jayram Singh have been granted bail by a Co-ordinate Bench of this Court vide order dated 25.07.2018, 04.09.2018 and 13.07.2018 passed in Criminal Miscellaneous No.44872 of 2018, Criminal Miscellaneous No. 53352 of 2018 and Criminal Miscellaneous No. 40087 of 2018 respectively. 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 the petitioner



escaped from the place of seizure on seeing the police party.

Considering the fact that the petitioner was not apprehended from the spot, there is nothing on record to suggest that he was driver of one of the seized vehicles and no recovery has been made from his conscious physical possession coupled with 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 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-VI, Saran at Chapra, in connection with Derni P.S. Case No.88 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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