

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18621 of 2019

Arising Out of PS. Case No.-210 Year-2018 Thana- GANDHIMAIDAN District- Patna

DIPU SAO @ RAJESH KUMAR S/o Rameshwar Sao, Resident of Salimpur
Ahra, P.S-Gandhi Maidan, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Sharma
For the Opposite Party/s : Mrs. Pushpa Sinha

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 Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case got initiated on the basis of written
report of Dadan Prasad, S.I. of Police submitted before the
Station House Officer, Gandhi Maidan Police Station is to the
effect that on 31.05.2018, during patrolling, after having
received a secret information that in the house of Ramdeo Saw
situated at Street No.2, Salimpur Aahar, illicit liquor is being
sold by a person, a raid was laid and 13.770 litres of Indian
Made Foreign Liquor were recovered. It is alleged that the place
of recovery was let out by one Aakash Kumar Gupta, who was
apprehended from the place of seizure who suggested that the



petitioner Dipu Saw and he, both are indulged in the business of illicit liquor.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner and the petitioner has falsely been roped in the present case. 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 that the name of the petitioner's sprang up on the basis of confessional statement of apprehended co-accused.

Considering the fact that the material on record does not suggest the recovery from the conscious physical possession of the petitioner coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioners 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 Special Judge, Excise, Patna, in connection with Gandhi Maidan P.S. Case No.210 of 2018



(Special Case No.5128 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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