

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18345 of 2019

Arising Out of PS. Case No.-37 Year-2019 Thana- MINAPUR District- Muzaffarpur

1. RAM SAJJAN KUMAR Son of Late Shankar Prasad Resident of Village- Khemai Patti, P.S.- Meenapur, District- Muzaffarpur.
2. Arjun Kumar Son of Devendra Prasad Resident of Village- Khemai Patti, P.S.- Meenapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Adv.

For the Opposite Party/s : Mr.Ajay Kumar-II, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 29-03-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 06.02.2019 in a case registered for the offences punishable under Sections 272, 273 and Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case got initiated on the basis of self statement of Dinesh Kumar, Inspector-cum-S.H.O., Minapur Police Station is to the effect that on 26.01.2019, the informant after having received a secret information raided the house of co-accused Ram Babu Sahni when one person managed to flee



away from the scene, but seven accused persons including the petitioner, were apprehended. Subsequently, on frisking, from a 407 Turbo vehicle and a Omni Maruti Suzuki vehicle parked near the house of co-accused Ram Babu Sahni, 200 litres spirit in each vehicle were recovered.

It is submitted by learned counsel for the petitioners that admittedly, the recovery has not been made from the conscious physical possession of the petitioner and since the petitioner was simply found present in the house of co-accused Ram Babu Sahni, hence he has been arrested only on the basis of suspicion. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner was found present in the house of the person who was dealing with spirit.

Considering suspicious nature of accusation 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 bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge,



Excise Act, Muzaffarpur in connection with Meenapur P.S.
Case No.37 of 2019.

(Dinesh Kumar Singh, J)

Ashwini/-

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