

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18669 of 2019

Arising Out of PS. Case No.-14 Year-2019 Thana- ROSERA District- Samastipur

Suresh Prasad Singh @ Suresh Mahto, Son of Ram Vilash Singh Resident of
Village- Dalha, P.S.- Rosera, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Mrs.Pushpa Sinha. I

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-03-2019 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) and 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from three vehicles, 4780 litres of indian made foreign liquor were recovered and co-accused Vijay Kumar was apprehended from the spot. The petitioner has been made accused since his mobile number was in the contact list of mobile phone of apprehended co-accused Vijay Kumar.

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 the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner has been made accused since his phone number was in the contact list of mobile phone of the apprehended co-accused.

Considering the fact that prosecution case does not suggest that recovery has been made from the conscious physical possession of the petitioner, coupled with the 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/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-3rd-cum-Special Judge, Excise Act, Samastipur in connection with Rosera P.S. Case No. 14 of 2019, 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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