

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18323 of 2019

Arising Out of PS. Case No.-9 Year-2019 Thana- KHANPURA District- Samastipur

Krishnandan Ram @ Kishun Dev Ram, Son of Suhindra Ram @ Surendra Ram, Resident of Village- Masina, Police Station- Khanpur, 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 : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 30(a), 35(a), 41(1) (2), 47 of the Bihar Prohibition and Excise Act, 2016.

It is alleged that from the two motorcycles and one Pickup van, 458.280 litres of illicit Indian Made Foreign Liquor were recovered and two persons were apprehended from the spot namely, Pushapak Kumar and Deepak Kumar, who disclosed the name of the persons who escaped from the scene including the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner is neither the owner of the any of the two



motorcycles or the pickup van, supplementary affidavit has been filed to that effect and even assuming the prosecution case the recovery cannot be treated from the conscious physical possession of the petitioner.

Learned APP submits that the petitioner managed to escape from the scene.

Considering the fact that the prosecution case does not suggest any recovery from the conscious physical possession of the petitioner and a supplementary affidavit being filed to the effect that the petitioner is not concerned with any of the seized motorcycles or the pickup van, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-3rd -cum- Special Judge, Excise Act, Samastipur in connection with Khanpur P.S. Case No. 09 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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