

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20461 of 2019

Arising Out of PS. Case No.-693 Year-2018 Thana- MANER District- Patna

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1. RAKESH KUMAR @ RAKESH, Son of Ramphul, Resident of Village-
Kabulpur, P.S.- Siwani Colony, District- Rohtak, Haryana.
 2. Ankit @ Chintu @ Ankit Kumar, Son of Jay Bhagwan, Resident of Village-
Faizabad, P.S.- Jaijar, District- Jaijar, Haryana.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-04-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since
27.12.2018 in a case registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

The prosecution case is that from three vehicles i.e.,



one Tata Safari, one i20 Hyundai Car and one Hyundai Creta, 430 litres of Indian Made Foreign Liquor were recovered and from the shop of one Dablu Kumar, 111 litres of Indian Made Foreign Liquor were recovered. It is alleged that the petitioners were apprehended while escaping from the scene.

It is submitted by learned counsel for the petitioners that nothing has been recovered from the conscious physical possession of the petitioners and only on the basis of suspicion, the petitioners have been roped in the present case. A statement has been made in paragraph no.7 of the petition that the petitioners have no concern with the vehicles in question from which the alleged recovery has been made. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the petitioners were apprehended from the place of seizure while they were fleeing away from the scene.

Considering the fact that the material on record does not suggest recovery from the conscious physical possession of the petitioners, coupled with the fact that the petitioners are not having criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond



of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned **Special Judge, Excise Act, Patna** in connection with **Special Case No.12211 of 2018** arising out of **Maner P.S. Case No.693 of 2018**.

(Dinesh Kumar Singh, J)

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