

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20428 of 2019**

Arising Out of PS. Case No.-439 Year-2017 Thana- NAUTAN District- West Champaran

Rajesh Sahani, Son of Late Chhotelal Sahani Resident of Village - Dakshin
Telhua Mallah Tola, P.S.- Nautan, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 03-04-2019 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 36 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that on secret information about trade of illicit liquor, raid was laid and one person was apprehended and 15 litres of illicit country made liquor and two stolen motorcycles were recovered. The apprehended co-accused person disclosed the name of four persons including the petitioner, as the persons who escaped from the scene.

It is submitted by learned counsel for the petitioner that admittedly, no recovery has been made from the conscious physical possession of the petitioner. A statement has been made



in paragraph no.3 of the petition that apart from the present case, the petitioner is also accused in one other case, in which he is on bail.

Learned APP submits that the name of the petitioner sprang up on the confession of apprehended co-accused person.

Considering the fact that prosecution case does not suggests that the recovery has been made from the conscious physical possession of the petitioner, 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 Special Judge, Excise, Bettiah, West Champaran in connection with Nautan P.S. Case No. 439 of 2017, 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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