

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19093 of 2019

Arising Out of PS. Case No.-312 Year-2017 Thana- HUSSAINGANJ District- Siwan

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Sandeep Kumar @ Sandeep Yadav @ Sandeep Kumar Yadav, Son of
Rajendra Chaudhary @ Rajendra Yadav Resident of Vill. and P.O.- Badaram,
P.S.- Hussainganj, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suresh Mishra
For the Opposite Party/s : Mrs. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

The petitioner is apprehending his arrest in connection with Hussainganj P.S. Case No.312 of 2017 (G.R. No.5591 of 2017) registered for the offences punishable under Sections 272, 273 and 308 of the Indian Penal Code and Sections 30, 36, 38, 41(1) and 62 of Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the written report of Vinay Kumar, S.H.O. Hussainganj P.S. submitted to Chief Judicial Magistrate, Siwan is to the effect that on 28.10.2017, during patrolling, the informant received a secret information that all the FIR named accused persons has stored illicit liquor in the cattle shed of co-accused Balindar Singh situated in the orchard, whereupon, a raid was laid and one person was apprehended who



disclosed his name as co-accused Bitu @ Prkash Singh and he further disclosed that the said cattle shed belongs to the co-accused Balindar Singh and he is also involved in supply of illicit liquor. From the room of the cattle shed, 518.400 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, accusation has been levelled against the petitioner. It is further submitted that the recovery has not been made from the conscious physical possession of the petitioner. It is further submitted that the co-accused Vijay Chaudhary, Chiraiya @ Rajendra Prasad, Ashok Jaiswal, Subh Narayan Singh have been granted anticipatory bail by different Co-ordinates Benches of the Court. It is further submitted that the petitioner is not having criminal antecedent, statement to that effect has been made in paragraph no.3 of the bail application.

Learned A.P.P. for the State has vehemently opposed the prayer for bail and submits that the name of the petitioner sprang up on the basis of suspicion.

Considering the nature of accusation and the fact that the prosecution case does not suggest the recovery has been made from the conscious physical possession of the petitioner,



co-accused persons have been granted anticipatory bail by different co-ordinate Benches of the Court and the fact that petitioner is not having criminal antecedent, the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge, Excise, Siwan in connection with Hussainganj P.S. Case No.312 of 2017 (G.R. No.5591 of 2017), subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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