

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20029 of 2019

Arising Out of PS. Case No.-443 Year-2018 Thana- BASANTPUR District- Siwan

=====

MUKESH RAY Son of Ramashish Ray Resident of Village - Basaon Nagari
Tola, P.S.- Basantpur, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ramchandra Sahni

For the Opposite Party/s : Mr.Amarendra Prasad

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-04-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 272, 273 and 308 of the IPC and Sections 30, 34, 36, 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from the hutment of one Ramashish Rai, 685 litres of Indian Made Foreign Liquor and 8 litres of spirit were recovered and co-accused Ramashish Rai was apprehended, who disclosed the name of the petitioner as the person who escaped from the scene.

It is submitted by learned counsel for the petitioner that admittedly, recovery has not been made from the conscious physical possession of the petitioner. 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 name of the petitioner sprang up on the statement of apprehended co-accused, Ramashish Rai.

Considering the fact that the 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 Additional Sessions Judge-II-cum-Special Judge, Siwan in connection with Basantpur P.S. Case No. 443 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

