

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74979 of 2018

Arising Out of PS. Case No.-132 Year-2018 Thana- PIPRAHI District- Sheohar

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1. Fulbabu Sah, Son of Yadavlal Sah, Resident of Village-Mesaudha, P.S. Piprahi, Distt.-Sheohar
 2. Tarachand Sah, Son of Ramasish Sah, Resident of Village-Mesaudha, P.S. Piprahi, Distt.-Sheohar
 3. Dhiraj Singh, Son of Sunil Singh, Resident of Village-Singrahiya, P.S. Piprahi, Distt.-Sheohar
 4. Narayan Paswan, Son of Bhanu Paswan, Resident of Village-Mesaudha, P.S. Piprahi, Distt.-Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S.N.P. Sinha, Sr. Adv.

Mr. Ajit Kumar, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 30(a), 38, 41 and 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the written report of Rajesh Chaudhary, Sub-Inspector of Police-cum-S.H.O., Piprahi Police Station, addressed to the learned Additional District and Sessions Judge-cum-Special Judge, Excise, Sheohar, is to the effect that on 05.10.2018 at 3.50 PM, the informant received a secret information that petitioner nos. 1 to 3 and other accused



persons are carrying huge quantity of illicit liquor in a Maruti Van, when after a long chase, Maruti Van was found parked in front of the house of petitioner no.1, Tarachand Sah, from which some accused persons were unloading the liquor, but after seeing the police force, the accused persons tried to flee away, but they were apprehended, who disclosed their names as Sanjay Sah, Karindra Paswan and Naresh Paswan, who also disclosed the name of petitioner no.1, Tarachand Sah, who escaped from the scene. From the apprehended accused, one mobile was recovered, and the Call Details Report of the said mobile suggests that the apprehended accused was in constant touch with petitioner nos. 2 and 3. From the vehicle in question, 1580 bottles, each containing 300 M.L., foreign liquor were recovered. The apprehended accused, Sanjay Sah also disclosed that liquor was being brought by petitioner nos. 1 to 3 from co-accused Raja Babu Chaudhary.

It is submitted by learned counsel for the petitioners that admittedly, no recovery has been made from the petitioners. Deliberately, the FIR does not disclose that the vehicle in question is registered in whose name. A specific statement has been made in paragraph no.9 of the petition that the vehicle in question from which, seizure has been made, does not belong to



the petitioners. The specific case in the FIR is that few persons were unloading the liquor from the vehicle in question, but the recovery has only been made from the vehicle in question. A statement has been made in paragraph no.3 of the petition that petitioner nos. 2 and 3 are involved in one other case also, in which they are on bail, and petitioner nos. 1 and 4 are not having any criminal antecedent.

Learned APP submits that name of the petitioners sprang up on the confession of apprehended accused.

Considering the fact that no recovery has been made from the petitioners, let the above named petitioners 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) each with two sureties of like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge-cum-Special Judge, Excise, Sheohar in connection with Piprahi P.S. Case No. 132 of 2018, 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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