

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73652 of 2018

Arising Out of PS. Case No.-291 Year-2018 Thana- BUXAR MUFFSIL District- Buxar

1. Dipu Keshari, Son of Baban Keshari,
2. Jitendra Yadav @ Kaddu Yadav, Son of Late Prem Lal Yadav, Both are Resident of Village- Kulhariya, Police Station-Buxar(M), District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

Criminal Miscellaneous No. 74023 of 2018

Arising Out of PS. Case No.-291 Year-2018 Thana- BUXAR MUFFSIL District- Buxar

Rajdeep Singh, Son of Umesh Singh, Resident of Village- Kulhariya, Police Station- Buxar(M), District- Buxar, Presently residing at Sector 91, Faridabad, Police Station- Pala, New Delhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 73652 of 2018)

For the Petitioner/s : Mr. Parijat Saurav

For the Opposite Party/s : Smt. Asha Kumari

(In Criminal Miscellaneous No. 74023 of 2018)

For the Petitioner/s : Mr. Parijat Saurav

For the Opposite Party/s : Smt. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-01-2019 Heard learned counsel for the petitioners and learned APP
for the State.

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



The prosecution case as per the written report of Kripa Narayan Jha, A.S.I., Buxar (M) submitted to the S.H.O., Buxar (M) Police Station is to the effect that on 03.10.2018 at 10.10 P.M. the informant was on patrolling duty, when he received secret information that, huge amount of liquor has been unloaded near the Kulharia Ground and 4-5 persons have gathered to carry it away, whereupon the raid was led, but the accused persons escaped from the scene and 1890 liters of foreign liquor was recovered. It is further alleged that the local *chaukidar* identified four persons including the petitioners who escaped away from the scene.

It is submitted by learned counsel for the petitioners that no recovery has been made from the conscious possession of the petitioners. Hence, no case under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 is made out. A statement has been made in paragraph no.3 of the petition of Cr. Misc. No. 73562 of 2018 that the petitioner is not having any criminal antecedent. Though, a statement has been made in paragraph no.3 of Cr. Misc. No.74023 of 2018 that Rajdeep Singh, the petitioner is involved in two other cases, but in both the cases he is on bail.

It is submitted by learned APP for the State that petitioners



were found escaping from the place of seizure.

Considering the fact that the recovery has not been made from the conscious possession of the petitioners, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **Additional District and Sessions Judge-II-cum-Special Judge, Excise Act, Buxar**, in connection with **Buxar Muffasil P.S. Case No.291 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Ajeet/-

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

