

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75376 of 2018

Arising Out of PS. Case No.-679 Year-2018 Thana- JAHANABAD District- Jehanabad

Yogendra Kumar, S/o Shravan Prasad @ Shravan Yadav, Resident of Village-
Kodihira, P.S. Masaurhi, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lallu Prasad

For the Opposite Party/s : Mr.Sri Rajendra Singh Shastriji

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 30(a), 38 & 47 of Bihar Prohibition and Excise Act, 2016.

The prosecution case is that a blue coloured Alto Car was intercepted from which 101.625 litres of foreign liquor was recovered when four persons alleged to have got down from the said car, who tried to escape from the scene, but three of them were caught, who disclosed their name as Ajay Kumar, Rajesh Kumar and Kishore Kumar, who also disclosed the name of the person, who escaped from the scene as Yogendra Kumar.

It is submitted by learned counsel for the petitioner that the said recovery cannot be treated from the possession of



the petitioner. The statement of the co-accused also does not suggest that the petitioner had knowledge about the vehicle being loaded with foreign liquor. It is further submitted that the petitioner is in no way connected with the vehicle in question, statement to that effect has been made in paragraph 9 of the petition. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner's name sprang up on the statement of the co-accused

Considering the fact that the accusation suggests that the recovery has been made from the apprehended Alto car and statement has been made in paragraph 9 of the petition to the effect that the petitioner has no connection with the said car, coupled with the statement made in paragraph 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 or 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 the like amount each to the satisfaction of learned Additional Sessions Judge II -cum- Special Judge (Excise), Jehanabad in connection with Jehanabad (Karauna)



P.S. Case No. 679 of 2018, subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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