

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20860 of 2019**

Arising Out of PS. Case No.-61 Year-2019 Thana- GAYA MUFASIL District- Gaya

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SANJAY SAW, Son of Govind Sao, Resident of Village-Bhusunda Balupar
(Nauranga), P.S.-Muffasil, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Ms. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

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

The prosecution case as per the written report of Sujeet
Kumar, S.I.-cum-S.H.O. of Muffasil P.S., Gaya submitted to the
Special Judge, Excise, Gaya is to the effect that on 19.02.2019
at about 06.30 P.M., the informant received a secret information
that near the embankment of Falgu River, the petitioner is
indulged in the business of selling of illicit country made liquor.
Consequently, a raid was laid and on seeing the police party



some persons started to flee away from the scene, on chase being made, four persons were apprehended and one managed to escape from the scene. It is further alleged that from the possession of the apprehended co-accused persons, 12 litres of illicit country made liquor were recovered. The name of the petitioner sprang up on the confessional statement of apprehended co-accused persons as a person who managed to escape from the scene.

It is submitted by learned counsel for the petitioner that neither the petitioner was apprehended from the place of seizure nor any recovery has been made from his conscious physical possession and only on the basis of confessional statement of the apprehended co-accused, the petitioner has been roped in the present case. A statement has been made in paragraph no.3 of the petition that apart from the present case, the petitioner is accused in one other case under the Bihar Prohibition and Excise Act in which, he is on bail.

It is submitted by learned APP for the State that the petitioner was found escaping from the place of seizure.

Considering the fact that seizure list does not suggest any recovery from the conscious physical possession of the petitioner, 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 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 **Special Judge, Excise, Gaya** in connection with **Gaya Muffasil P.S. Case No.61 of 2019**, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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