

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21075 of 2019

Arising Out of PS. Case No.-869 Year-2017 Thana- ARARIA District- Araria

SHANKAR YADAV Son of Ghanshyam Yadav Resident of Village -
Bajjnathpur Gidariya, P.S.- Araria R.S., Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mrs.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-04-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 30(a),36 and 38 of
the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that on the basis of secret
information, the informant and other police personal reached
near mango orchard, when on seeing the police party, one
person after throwing a bag escaped from the scene, when other
person who was apprehended from the spot disclosed his name
as Nitish Kumar. The apprehended co-accused further disclosed
the name of the person who escaped from the scene as Shankar
Yadav, the petitioner. Subsequently, on frisking, from the bag,
8.370 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that



admittedly, no recovery has been made from the conscious physical possession of the petitioner. Though the petitioner is accused in one other case of similar nature.

It is submitted by learned APP for the State that the petitioner, on seeing the police party, escaped from the scene after throwing a bag from which the said recovery was made.

Considering the fact that the said recovery has not been made from the conscious physical possession of the petitioner and the name of the petitioner sprang up on the confessional statement of apprehended co-accused, let the petitioner above named 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) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Araria, in connection with Special Case No.2750 of 2017, arising out of Araria R.S. P.S. Case No.869 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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