

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21731 of 2019

Arising Out of PS. Case No.-52 Year-2018 Thana- ASHOK PAPER MILL District-
Darbhanga

=====

SANJAY SAHNI Son of Mungalal Sahni Resident of Village- Biranpatti,
Police Station- A.P.M., District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha
For the Opposite Party/s : Mr.Damodar Prasad Tiwary

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-04-2019 Heard learned counsels for the parties.

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

The prosecution case as per the written report of Nirmal Kumar Ram, SI of Police of Ashok Paper Mills, submitted to the SHO, APM Police Station is to the effect that on 21.5.2018 during patrolling, one truck was found parked. The informant started watching around the truck and found that liquor is being unloaded from the truck in a room near the truck, consequently, raid was laid. It is further alleged that from the truck in question and the room near the parked truck, situated on the land and orchard of Prahlad Mehta, 3110 litres Indian Made Foreign



Liquor were recovered. In the meantime, two motorcycle borne persons came near the truck but on seeing the police party, they started fleeing away and subsequently, they were apprehended. The apprehended persons disclosed their names as co-accused Bittu and Mohan and they further disclosed that the recovered liquor belongs to the petitioner.

It is submitted by learned counsel for the petitioner that the prosecution case reflects that the seizure was not made from the conscious physical possession of the petitioner. It is further submitted that the petitioner has no concern with the seized liquor, truck or the part of land/premises from where the seizure was made. Statement to that effect has been made in paragraph 7 of the petition. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up in the confession of co-accused.

Considering the fact that the seizure was not made from the conscious physical possession of the petitioner, materials on record do not suggest that the apprehended truck in question belongs to the petitioner and the statement made in paragraph 3 of the petition that the petitioner is not having any



criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge V-cum-Special Judge (Excise Act), Darbhanga, in connection with G.O. Case No. 497 of 2018 arising out of Ashok Paper Mill P.S. Case No. 52 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

