

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73264 of 2018

Arising Out of PS. Case No.-80 Year-2018 Thana- KATORIYA District- Banka

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Kumar Vivek @ Monu, Son of Harinandan Prasad Ray @ Hari Nand Ray,
Resident of Village-Baiju Mandir Gali, Near Tower Chowk, Deoghar, P.S.
+Distt.-Deoghar(Jharkhand)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-01-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30(a)(g) and 32(2) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').

The prosecution case, as per the written report of S.I., Ram Shankar Yadav, submitted to the Station House Officer, Katoriya Police Station, is to the effect that on 17.05.2018 at 10.30 P.M., the informant was on patrolling duty when he received a secret information that the illicit liquor is being transported in a car and subsequently, the car was intercepted, from which, 318 bottles, each containing 375 M.L., of illegal foreign liquor were



recovered and on one person was apprehended, who disclosed his name as Amar Kumar. The apprehended accused also disclosed the name of co-accused Chandan Kumar, who escaped from the scene. The apprehended accused also stated that they purchased the liquor from the petitioner, who is a resident of State of Jharkhand.

It is submitted by learned counsel for the petitioner that admittedly, the recovery has not been made from the possession of the petitioner, hence offences under the Act is not made out against the petitioner. It is further submitted that the name of the petitioner simply sprang up on the confession of apprehended accused. A statement has been made in paragraph no.3 of the petition that the petitioner is also accused in one other case in the State of Jharkhand, in which he is on bail, though, statement to that effect has not been made in the petition.

Learned APP submits that the name of the petitioner sprang up on the confession of apprehended accused.

Considering the fact that accusation does not suggest recovery from the petitioner, let the above named petitioner be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of



learned Addl. Sessions Judge-II, Banka in connection with
Katoria P.S. Case No. 80 of 2018, subject to the condition as
laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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