

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75126 of 2018

Arising Out of PS. Case No.-366 Year-2018 Thana- KHAIRA District- Jamui

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1. Shiv Chandra Kumar and Anr S/o Ramanand Rai
 2. Manjay Rai S/o Harpu Rai Both are resident of Bidhupur, P.S. Bidhupur, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar

For the Opposite Party/s : Mr.Sri Amrendra Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-01-2019 Heard learned counsel for the petitioners and
learned counsel for the State.

The petitioners are apprehending their arrest in connection with Khaira P.S. Case No.366 of 2018 registered for the offence punishable under Sections 272, 273/34 of the Indian Penal Code and 30(a), 38(1) of Bihar Prohibition of Excise Act, 2016.

Prosecution case as per the statement of Daljit Jha, S.H.O., Raira P.S. that on 17.09.2018 at 5 A.M., during vehicle check, two KUV cars were intercepted. From one car, two persons got down and escaped from the scene while from the other car, three persons were apprehended, namely, Shiv Kumar, Ravi Bhushan Kumar and Vijendra Prasad Rai. From



the one vehicle, 72 liters and from the other, 36 liters of foreign liquor were recovered and seized. The documents recovered from the vehicle suggest that one vehicles was registered in the name of Sheo Chandra Kumar while the other vehicle found registered in the name of one Manohar Rai son of late Rambali Rai. It is lastly alleged that two persons escaped from the scene were Mahohar Rai, s/o Shiv Kumar Rai and Manjay Rai, s/o Happu Rai.

Learned counsel for the petitioner submits that petitioner No.1 is the owner of one of the vehicle but one Sheo Kumar who was apprehended disclosed the name of Manjai Rai and petitioner No.2, as the persons who escaped from the scene. Hence, it is submitted on behalf of the petitioners that the recovery has not been made from conscious possession of these petitioners. Moreover, petitioners have no criminal antecedent as statement to that effect has been made made in para 3 of the present application.

Considering the fact that though one of the vehicles has been found registered in the name of petitioner No. 1 but admittedly he was not traveling in either car or escaped from the scene. Where though petitioner No. 2, as per confession of apprehended accused, Shiv Kumar, he escaped from the scene



but none of the vehicles have been found registered in their name, hence, accusation does not suggest recovery from the petitioner, and the fact that the petitioners have no criminal antecedent, the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.10000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ADJ 2nd, Jamui in connection with Khaira P.S. Case No.366 of 2018.

(Dinesh Kumar Singh, J)

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