

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33076 of 2019

Arising Out of PS. Case No.-87 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

BAJRANGI PATHAK Son of Devta Pathak Resident of Village-Belthari,
P.S.-Kuchayakote, District-Gopalganj State-Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Shekhar Tiwary
For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-08-2019 Nobody appears on behalf of the petitioner.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 30(a)/32(2)/38(1)/41(1) of the Bihar Prohibition and Excise Act, 2016.

I have gone through the records of the present case.

Prosecution case as lodged by the police personnel is that during course of searching vehicles coming from Uttar Pradesh side found one Bolero baring Reg. No. U.P. 53 AC-5628 in suspected condition with driver and one more person and on chase the driver namely Pradeep Manjhi said to be caught and on search 43.200 litres of foreign liquor was recovered which was kept in three plastic bags and 5 cartoons. It was further alleged that the person who escaped was one Bajrangi Pathak i.e. the present petitioner.



In para-5 of the bail petition, it is stated that occurrence took place on 17.03.2019 at 10-50 O' clock whereas seizure was made at 00-05 O' clock on 18.03.2019. More so the alleged F.I.R. has been lodged at 7-30 O'clock on 18.03.2019 make the entire prosecution story doubtful and concocted. It is also stated in the bail petition that there is no recovery from the conscious possession of the petitioner and there is no compliance under Section 100 of the Cr.P.C.

In the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-II-cum-Special Judge (Excise) Gopalganj in connection with Kuchaykot Police Station Case No. 87 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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