

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35482 of 2019

Arising Out of P.S. Case No.-123 Year-2019 Thana- SAKRA District- Muzaffarpur

1. SONU KUMAR, aged about 26 years (Male), Son of Shiv Kumar Bhagat Resident of Village- Sarmastpur, P.S.- Sakra, District- Muzaffarpur.
2. Anil Kumar @ Anil Rai, aged about 40 years (Male) Son of Ram Nandan Rai Resident of Village- Sarmastpur (wrongly mentioned as Keshopur in the F.I.R.), P.S.- Sakra, District- Muzaffarpur.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Hari Kishore Thakur, Advocate
For the Opposite Party : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-08-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged in the FIR that 1687.68 liters of foreign liquor has been recovered from the pick-up van besides one white colour Maruti car was also recovered. Accused Ashok Kumar and Amarjit Paswan were apprehended at the spot and they disclosed the name of these petitioners who fled away from the spot at the time of search and recovery.

It is submitted on behalf of the petitioners that nothing has been recovered from the conscious possession of the petitioners. Petitioners are neither the owner of the vehicle nor



the driver of the vehicle. Petitioners have got no criminal antecedent. It is also submitted that provision of Section 100 of the Cr.P.C has not been followed in search and seizure in question. Furthermore, save and except the confessional statement of the aforesaid co-accused, there is no other material against the petitioners.

Considering the facts aforesaid, let the petitioners above named, in the event of their arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur/successor Court in connection with Sakra P.S.Case No.123 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the petitioners.

B.Kr./-

(Prabhat Kumar Singh, J)

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