

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40268 of 2019

Arising Out of PS. Case No.-216 Year-2019 Thana- MAHUA District- Vaishali

Sumit Kumar Singh @ Chandan Son of Umesh Prasad Singh Resident of
Mahua Singh Ray (Bhusa Mahua), P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Ahtasham Ali Khan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-07-2019 Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with Mahua P.S.Case No. 216 of 2019 registered under Section 414 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.

Allegation, as per the FIR, is that in total 4364.64 litres of foreign liquor has been recovered from a truck, which was being escorted by a Bolero vehicle, and the persons, who were arrested from the vehicle, disclosed the name of the petitioner, and stated that they were doing the business of liquor with the petitioner.

Learned counsel for the petitioner submits that liquor was not recovered from the conscious possession of the petitioner and the truck, from which illegal liquor was seized, does not belong to the petitioner and his name has been disclosed by co-accused, who was arrested from the Bolero vehicle. He further submits



that in view of the fact that no recovery has been made from the possession the petitioner, no case under the Excise Act is made out against the petitioner as such petitioner deserves anticipatory bail .

After having heard learned counsel for the parties and upon perusal of material on record, it appears that there is no recovery of illegal liquor from the conscious possession of the petitioner and name of the petitioner transpires on the basis of confessional statement of co-accused, who was arrested from the Bolero vehicle. From perusal of FIR, no *prima facie* case is made out against the petitioner. Accordingly, I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned ADJ-II-cum- Special Judge, Vaishali at Hajipur in connection with Mahua P.S.Case No. 216 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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