

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63293 of 2018

Arising Out of PS. Case No.-68 Year-2018 Thana- SAHAJITPUR District- Saran

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Jitu Singh, Son of Nagendra Singh, Resident of Village- Panchmahala, P.S. Sahajitpur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Mr. Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 22-01-2019 Learned counsel for the petitioner is permitted to make necessary corrections in paragraph no. 3 of the petition.

Heard learned Counsel for the petitioner and learned APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30 and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the self statement of SI Sriram Rai, Sahajitpur Police Station is to the effect that on 26.06.2018 at about 10.00 P.M., informant along with other police officials went for arresting the accused persons in connection with some cases and to check the smuggling of illicit liquor. It is further alleged that from the demolished house of Triguna Thakur, 1134 litres of illicit foreign liquor was recovered and the remaining



liquor recovered from the parked truck near the house of Munna Thakur and total amount of 2008.080 litres of foreign liquor was recovered. It is further alleged that thirteen accused persons including the petitioner escaped from the scene.

It is submitted by learned counsel for the petitioner that the recovery has not been made from conscious physical possession of the petitioner and the FIR suggests that part of the recovery of the illicit liquor was made from the parked truck near the house of co-accused Munna Thakur and remaining liquor was recovered from the demolished house of Triguna Thakur. It is further submitted that similarly situated co-accused persons have been granted privilege of anticipatory bail by different Co-ordinate Benches of this Court vide order dated 20.08.2018 in Cr. Misc. No. 50717 of 2018 and vide order dated 05.09.2018 in Cr. Misc. No. 52405 of 2018. A statement has been made in paragraph no. 3 of the petition that the petitioner is accused in two other cases also on which he is on bail.

It is submitted by learned APP for the State that the petitioner was seen escaping from the place of recovery.

Considering the fact that accusation does not suggest recovery from the conscious physical possession of the petitioner and similarly situated co-accused persons have been



granted privilege of anticipatory bail by different Co-ordinate Benches of this Court, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **6th Additional Sessions Judge, Saran at Chapra** in connection with **Sahajitpur P.S. Case No. 68 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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