

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47875 of 2019

Arising Out of PS. Case No.-200 Year-2019 Thana- BIHIA District- Bhojpur

SURENDRA SINGH Son of Vidya Nand Singh Resident of Village - Pakri,
P.S.- Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh
For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 Heard learned counsels for the petitioner and the
State.

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

The prosecution case is that on 17.06.2019, the informant, being a police officer received a secret information that from a car, four persons including one Pintu Singh are trying to smuggle illicit liquor, subsequently raid was laid when the alleged vehicle was found parked near the house of Chhote Lal Kumhar and one person was found sitting on the driving seat, who disclosed that the petitioner and three other accused persons went to take the sack to the house of co-accused Vidyanand Singh. From the alleged vehicle, 179 litres of Indian



Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that admittedly recovery cannot be treated from the conscious physical possession of the petitioner and the alleged vehicle does not belong to the petitioner, statement to that effect has been made in paragraph no.8 of the petition. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the apprehended co-accused disclosed the name of the petitioner.

Considering the fact that specific case of the prosecution is that recovery has been made from the vehicle which does not belong to the petitioner and the petitioner was not found present at the place of recovery, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ADJ, Bhojpur, Arrah in connection with Excise Case No. 1150 of 2019, arising out of Bihiya P.S.



Case No. 200 of 2019, subject to the condition as laid down
under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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