

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47925 of 2019

Arising Out of PS. Case No.-174 Year-2019 Thana- RANIGANJ District- Araria

SURENDRA SARDAR Son of Sukharu Sardar Resident of Village - Gudam
Chowk, Kothihat, P.s.- Raniganj, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhijeet Gautam

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

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, as per the written report of A.S.I., Sunil Kumar Suman, dated 06.06.2019, submitted to the Station House Officer, Raniganj Police Station, is to the effect that on the same day at 2.10 P.M., during patrolling on Raniganj-Forbesganj Road near Dumaria petrol pump, in course of vehicle check, the informant intercepted a motorcycle on chase. However, the driver managed to escape from the scene and from the TVS Star blue colour motorcycle, 49 bottles cough syrup, corex of 150 Ml each having codin in it, were seized.



Learned counsel for the petitioner submits that recovery has not been made from the conscious physical possession of the petitioner. The prosecution has failed to disclose the names of the villagers who suggested the name of the person who escaped from the scene. It is further submitted that the seized motorcycle also does not belong to the petitioner, statement to that effect has been made in paragraph no.12 of the petition. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the recovery has been made from the motorcycle, which was being driven by the petitioner who escaped from the scene.

Considering the fact that the motorcycle from which seizure was made has been disowned by the petitioner, the prosecution has failed to ascertain the ownership of the seized motorcycle, 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 2nd Addl. Sessions Judge-cum-Special Judge, Araria in connection with Raniganj P.S. Case No. 174 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-Anil/

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