

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48085 of 2019**

Arising Out of PS. Case No.-49 Year-2019 Thana- ASHOK PAPER MILL District-
Darbhanga

ROUSHAN KUMAR YADAV Son of Rohit Yadav Resident of Village-
Navkatol, Police Station- A.P.M. (Ashok Paper Mill) and District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha
For the Opposite Party/s : Mr.Lalan Kumar (App246)

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 01-08-2019 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(a), 41(i) and
32(2) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case got initiated on the basis of written
report of Lal Mohan Ram submitted before the Station House
Officer, Ashok Paper Mill Police Station is to the effect on
secret information, the police intercepted a pickup van when
two persons, namely, Dev Kumar Choudhary and Tahir Sheikh
were apprehended. Subsequently, during frisking, 333 liters of
illicit liquor were recovered from a pickup van and 225 liters of
illicit liquor from a straw house which belongs to one Jai Kant



Yadav, who was subsequently apprehended and disclosed that the alleged liquor belongs to the petitioner and co-accused Govind Sah.

It is submitted by learned counsel for the petitioner that admittedly the said recovery cannot be treated from the conscious physical possession of the petitioner. In fact, the petitioner has neither any connection with the pick-van from which the alleged recovery was made nor the seized liquor. Moreover, similarly situated co-accused Govind Sah has been granted anticipatory bail vide order dated 24.07.2019 passed in Criminal Miscellaneous No. 45618 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioner is named in the FIR and the apprehended accused suggests the name of the petitioner.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioner nor the material on record suggest that the petitioner is indulged in the trade of illicit liquor, similarly situated co-accused has been granted bail coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal



antecedent, let the above named petitioners 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 Additional Sessions Judge-II-cum-Special Judge, Excise, Darbhanga, in connection with G.O. Case No.427 of 2019, arising out of APM (Ashok Paper Mill) P.S. Case No.49 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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