

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52652 of 2019

Arising Out of PS. Case No.-123 Year-2019 Thana- AMAS District- Gaya

1. RITESH YADAV @ RITESH KUMAR YADAV @ RITESH KUMAR Son of Shiv Kumar Yadav @ Sheo Sho Resident of Village-Mahuai, P.S-Katkamsandi, District-Hazaribagh (Jharkhand).
2. Ashish Kumar Dangi Son of Ramdeo Dangi Resident of Village-Ara Bhusai, P.S.-Katkamsandi, District-Hazaribagh (Jharkhand).
3. Pankaj Kumar @ Pankaj Kumar Verma Son of Ajit Kumar Verma Resident of Village-Arabhusai, P.S-Katkamsandi, District-Hazaribagh (Jharkhand).

.. ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Adv.

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 16-11-2019 Heard learned Counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 272,273 of the Indian Penal Code and Sections 30(a), 56(b) of the Bihar Prohibition and Excise, Act, 2016.

It is alleged that 560 litres of illicit country made liquor were recovered from a pick-up van. The driver of the said pick-up van, namely, Dhuru suggested that the alleged



recovered liquor belongs to co-accused, Mukesh Kumar Dagi and the petitioners.

It is submitted by learned counsel for the petitioners that admittedly the petitioners were not present at the place of seizure, hence, the said recovery cannot be treated from the conscious physical possession of the petitioners. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State after going through the case diary submits that though the petitioners were not present at the place of seizure, but the driver of the pick-van suggested the name of the petitioners.

Considering the fact that the said recovery has not been made from the conscious physical possession of the petitioners and the petitioners were not present at the place of seizure coupled with statement made in paragraph no.3 of the petition that the petitioners are 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) each with two sureties of the like amount each to the satisfaction of the



learned Special Judge, Excise, Gaya in connection with Amas
P.S. Case No.123 of 2019, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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