

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52909 of 2019

Arising Out of PS. Case No.-353 Year-2018 Thana- BASANTPUR District- Siwan

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Dinesh Rai Son of Late Chandeshwar Rai Resident of Village - Dabchhu,
P.S.- Basantpur, Distt - Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 16-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 272, 273, 308/34 of the Indian Penal Code and Sections 30(A), 41(i) of Bihar Prohibition and Excise Act, 2016.

It is alleged that from a Mini bus 779.76 litres of Indian Made Foreign Liquor were recovered and two persons were apprehended from the spot namely, Ajay Kumar and Jaiprakash, driver and cleaner of the Mini bus.

It is submitted by learned counsel for the petitioner that the petitioner was not named in the FIR but his name subsequently sprang up during investigation on basis of



confessional statement of co-accused Pramod Kumar Rai. It is further submitted that the vehicle in question does not belong to the petitioner, statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That as per the prosecution from the mini bus 779.76 ml of foreign liquor were recovered and the same is not belongs to the petitioner.”

A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that till date except confessional statement of co-accused Pramod Kumar Rai no substantial material has been collected against the petitioner.

Considering the fact that the name of the petitioner sprang up on the confessional statement of the co-accused and statement being made in paragraph 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 or 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 the like amount each to the satisfaction of learned Additional Sessions Judge 2nd -cum- Special Judge, Excise, Siwan in connection with



Basantpur P.S. Case No. 353 of 2018, subject to the conditions
as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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