

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52694 of 2019

Arising Out of PS. Case No.-55 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Umesh Sahani, Son of Late Sakal Sahani, Resident of Village - Barkagaon,
P.S.- Karja, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Anita Kumari
For the Opposite Party/s : Mr. Satyadeo Singh Yadav

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 20-11-2019 Heard learned counsels for the petitioner and the

State.

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

The prosecution case is that from two Bolero pickup vans
and from a Hero Honda Motorcycle, total 2856.600 litres of
Indian Made Foreign Liquor were recovered when the petitioner
and other co-accused persons were found fleeing away from the
scene.

It is submitted by learned counsel for the petitioner that
recovery has not been made from the conscious physical
possession of the petitioner. It is further submitted that the



petitioner has no concern either with the alleged vehicles, from which recovery has been made, or with the seized liquor, a statement to that effect has been made in paragraph no. 11 of the petition, which reads as follows:-

“11. That, it is stated that the petitioner has no concerned either with the seized liquor or the seized vehicles from which the so-called recovery of liquor was made by the raiding team.”

It is further submitted that co-accused Ram Babu Rai has been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 30.09.2019, passed in Cr. Misc. No. 41778 of 2019. 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 that the petitioner was found fleeing away from the scene.

Considering the nature of recovery and the fact that prosecution report does not disclose the ownership of the alleged vehicles and other co-accused person being granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, 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 Special Judge, Excise, Muzaffarpur in connection with Muzaffarpur Excise Case No. 55 of 2019, arising out of P.R. No. 01, 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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