

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57793 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- SAHAJITPUR District- Saran

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1. Guddu Singh Son of Ramayodhya Singh Resident of Village - Semari, P.S.- Mashrakh, Dist.- Saran at Chapra.
 2. Shambhu Prasad Son of Late Vigan Prasad Resident of Village - Gopalbari, P.S.- Mashrakh, Dist.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

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

Petitioners apprehend their arrest in connection with Sahajitpur P.S. Case No. 1 of 2019 registered for the offence punishable under Sections 30 and 30(a) of the Bihar Prohibition & Excise Act-2016.

A truck along with 8800 lts. of country made liquor were seized and two persons were apprehended, who disclosed their identity as Pawan Kumar and Arjun Rai while nine other accused persons managed to escape. Apprehended accused persons disclosed the name of the petitioners as their fleeing accomplices in the occurrence.



It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from conscious physical possession of the petitioners. They have no concern either with the seized liquor or with the vehicle in question or with any trade of liquor. They have been falsely implicated in this case by the apprehended accused persons due to animosity. There is nothing cogent incriminating material on record indicating complicity of the petitioners in the occurrence barring the disclosure made by the aforesaid apprehended accused, which has no evidentiary value in the eye of law. Hence, no offence under Excise Act is made out against the petitioners. Petitioners have no criminal antecedent. Co-accused Dhurendhar Sah @ Dhurendar Sah @ Dhurendhar Shah has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 14.03.2019 passed in Cr. Misc. No. 16036 of 2019.

On the other hand, learned APP opposed the bail prayer of the petitioners.

In the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six 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 learned Addl. District & Sessions Judge-XI, Saran at Chapra in connection with Sahajitpur P.S. Case No. 1 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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