

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74366 of 2018

Arising Out of PS. Case No.-56 Year-2018 Thana- DALSINGHSARAI District- Samastipur

Devilal Rai, Son of Nand Lal Rai, Resident of Village- Baaghi, Samastipur,
P.S. Muffasil, District-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-01-2019 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 272 and 273 of the Indian Penal Code and 30(a), 38(i)(ii) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that on 07.03.2018 at about 10.00 A.M. the informant Anil Kumar, being the S.I. of Dalsingsarai P.S. received a secret information that on N.H.-28 some



miscreants were transporting illegal liquor. The raid was led and four accused persons were apprehended from a Tata 407 Pickup Van and an Alto Car, and altogether 859 liters of foreign liquor was recovered from the said vehicles. It is further alleged that the apprehended accused persons disclosed the name of the petitioner in the involvement of the said occurrence.

It is submitted by learned counsel for the petitioner that no recovery was made from the conscious possession of the petitioner. 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 name of the petitioner sprang up on the confessional statement of the apprehended co-accused persons.

Considering the fact that the recovery has not been made from the conscious possession of the petitioner, coupled with 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 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 District**



Judge- VIth-cum-Special Judge, Excise Act, Samastipur in connection with **Dalsingsarai P.S. Case No.56 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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