

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66867 of 2019**

Arising Out of PS. Case No.-215 Year-2019 Thana- HUSSAINGANJ District- Siwan

Sanjay Kumar Pasi @ Sanjay Pasi @ Sanjay Kumar Chaudhary, Son of
Prabhu Pasi, Resident of Village- Gopalpur, P.S.- Hussainganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary
For the Opposite Party/s : Mr.Suresh Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 20-11-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 272 and 273 of the IPC and Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from a motorcycle parked near the shop of one Shailendra Sah, 43.200 litres of Indian Made Country Made Liquor were recovered. It is alleged against the petitioner that he was found fleeing away from the place of seizure.

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 alleged motorcycle or with the place of recovery, statement to that effect has been made in paragraph no.10 of the petition, which reads as follows:-

“That it is humbly submitted that the petitioner has not found at the place of recovery and petitioner has no concerned with the motorcycle and shop from where the recovery has been made.”

It is further submitted that similarly situated co-accused, Chandan Kumar Prasad has been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 20.09.2019, passed in Cr. Misc. No. 59571 of 2019. A statement has been made in paragraph no.3 of the petitioner that the petitioner is made accused in three other cases, in which he is on bail.

Learned APP submits that the petitioner was found fleeing away from the place of seizure.

Considering the nature of recovery and specific statement of the petitioner made in the petition that the petitioner has no concern either with the alleged motorcycle or with the place of seizure, 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 Additional Sessions Judge, 2nd cum
Special Judge, Excise, Siwan in connection with Hussainganj
P.S. Case No. 215 of 2019, 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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