

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69838 of 2019

Arising Out of PS. Case No.-135 Year-2019 Thana- SURYAPUR District- Rohtas

Hanuman Singh @ Anil Kumar Singh, Son of Late Ramal Yadav Resident of
Village - Agrer Kalan, P.S.- Suryapura, Distt - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-11-2019 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 on secret information that trade of illicit liquor is going on, on 21.08.2019, raid was laid and from veranda of the petitioner, 99 litres, from the pickup van parked near the verandah of the petitioner, 86.4 litres of Indian Made Foreign Liquor and from the motorcycle parked near the pickup van, 27 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the petitioner is not having any concern either with the alleged pickup van or with the alleged motorcycle and the verandah, from where the recovery has been made. It is further submitted that the recovery has been made from an open area, hence the



recovery cannot be treated from the conscious physical 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.

Learned APP submits that at least recovery has been made from the veranda of the petitioner and he is named in the FIR.

Considering the fact that recovery has been made from an open area and the petitioner is not having any concern with alleged vehicles, 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 2nd Additional Sessions Judge cum Special Judge, Excise Act, Rohtas at Sasaram in connection with Suryapura P.S. Case No. 135 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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