

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81804 of 2019

Arising Out of PS. Case No.-248 Year-2019 Thana- KHARIK District- Bhagalpur

1. Rajnesh Kumar Singh @ Rinta @ Kumar Rajanish, Son of Manoranjan Singh Resident of Village - Telghee, P.S.-Kharik, District- Bhagalpur
2. Chhotu Kumar @ Deepak Kumar @ Chhotu Kunwar Son of Bhawesh Kumar Resident of Village - Telghee, P.S.-Kharik, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shanker Pankaj

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 30(a)/38(i) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that on secret information to the effect that from a Tata 407 vehicle, liquor is being unloaded at the Vasa of co-accused Rajniti Singh, Son of Sitaram Singh, a raid was conducted and 1177 litres of Indian Made Foreign Liquor were recovered. Other persons were found fleeing away from the place of seizure. The petitioners were named only on the basis of suspicion.

It is submitted by learned counsel for the petitioners that the recovery has not been made from conscious physical



possession of the petitioners and petitioners have no concern with the vehicle in question though statement to that effect has not been made in the petitioner. The part of the recovery has been made from the Vasa of co-accused Rajniti Singh. It is further submitted that brother of co-accused Rajniti Singh, namely, Mithai Singh @ Shiv Shankar Singh has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 09.12.2019 passed in Cr. Misc. No. 80611 of 2019. A statement has been made in paragraph 3 of the petition that the petitioner no. 1 is not having any criminal antecedent whereas petitioner no. 2 is accused in one another case of similar nature but he is on bail in that case.

Learned APP submits that the petitioners are named in the FIR.

Considering the fact that admittedly the recovery has not been made from conscious physical possession of the petitioners, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bhagalpur in connection with



Kharik P.S. Case No. 248 of 2019, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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