

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65042 of 2018**

Arising Out of PS. Case No.-49 Year-2018 Thana- BHANGWANPUR HAT District- Siwan

Dhananjay Sah @ Dhananjay Kumar Sah, S/o Satrugan Sah, Resident of
Village – Bankat, P.S. Bhagwanpur Hatt, District – Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Kant

For the Opposite Party/s : Mr.Sri Humayou Ahmad Khan

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

4 12-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 272, 273, 308, 420 of the Indian Penal Code and Sections 30(a), 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the self statement of Rakesh Mohan, Station House Officer of Bhagwanpur Hat Police Station recorded on 03.03.2018 at 2.55 P.M., on receiving a secret information, the informant and other police personnel reached near the Dehri market when he saw an auto car and four motorcycles being parked in the market and on seeing the police party all the persons started fleeing away but on chase being made, one person was apprehended who disclosed his name as



co-accused Shatrughan Yadav and he further disclosed the name of other four persons who escaped from the scene, including the name of the petitioner. From the seized vehicles and bag, 15.375 litres of illicit Indian Made Liquor were recovered.

It is submitted by learned counsel for the petitioner that admittedly, there is no recovery from the possession of the petitioner. The petitioner is accused in one more case of similar nature but he is on bail in that case and the petitioner's name surfaced on the basis of confessional statement of apprehended co-accused. It is further submitted that the similar situated co-accused persons have been granted bail by different Co-ordinate Benches of this Court.

Learned APP submits that the petitioner escaped from the place of seizure and his name sprang up on the disclosure of co-accused.

Considering the fact that the material on record does not suggest any recovery from the conscious physical possession of the petitioner and similarly situated co-accused persons Amit Kumar Yadav, Rakesh Yadav and Raj Kishore Yadav, whose name sprang up on the statement of apprehended co-accused Shatrughan Yadav, have been granted bail by different Co-ordinate Benches of this Court vide Cr. Misc. Nos.



42858 of 2018, 46678 of 2018 and 43497 of 2018, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 2nd -cum- Special Judge, Excise, Siwan in connection with Bhagwanpur Hatt P.S. Case No. 49 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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