

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75791 of 2018

Arising Out of PS. Case No.-235 Year-2018 Thana- SIKANDRA District- Jamui

Subodh Pandit, Son of Lakhan Pandit, Resident of Village Kumar, P.S. Sikandra, District- Jamui.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 09.10.2018 in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise, Act, 2016.

The prosecution case got initiated on the basis of written report of A.S.I. Jiyaul Islam Khan submitted to the Station House Officer, Sikandara Police Station is to the effect that on secret information that the illicit liquor is being transported in huge quantity, one pickup van was intercepted. On being chased by the police, the driver left the vehicle and fled away from the scene, but the petitioner who was seated inside the vehicle was apprehended. From the vehicle, 576



litres of foreign illegal liquor were recovered. The apprehended accused, who is petitioner before this Court, disclosed the name of the person who escaped from the scene as co-accused Subodh Pandit and suggested that the seized liquor belongs to one Mohan Yadav and the vehicle in question is registered in the name of one Raju Yadav, who is brother of said Mohan Yadav.

It is submitted by learned counsel for the petitioner that the petitioner has no connection with the alleged recovery of illegal liquor. It is further submitted that the petitioner is neither the owner of the vehicle nor he was driving the vehicle in question, but merely on the basis of suspicion, he has been roped in in the present case. In fact, no recovery has been made from his conscious physical possession. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner was apprehended from the vehicle in question from which the illegal foreign liquor was recovered.

Considering the fact that the registration of the vehicle in question was found in the name of co-accused Raju Yadav, 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 bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional and Sessions Judge-II, Jamui, in connection with Sikandra P.S.Case No. 235 of 2018.

(Dinesh Kumar Singh, J)

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