

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76005 of 2018**

Arising Out of PS. Case No.-137 Year-2018 Thana- KARPI District- Jehanabad

-
1. Krishna Yadav, son of Ramadhar Yadav,
 2. Ramadhar Yadav, son of Late Ramdeo Singh, Both are resident of village-Dariyapur, P.S. Karpi, District-Arwal.
 3. Sujeet Kumar, son of Klendar Ram @ Kalendra Ram & Kalendra Singh, Resident of Mohalla Shanti Devi Shivpur Chowk P.S. Phulwari District Patna presently Village Dariyapur, P.S. Karpi, District Arwal.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Paras Nath, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

6 29-04-2019 The Anticipatory bail application of petitioner No.2, namely, Ramadhar Yadav has already been dismissed as withdrawn vide order No. 5, dated 09.04.2019.

Heard learned counsel for the petitioners No.1 and 3 and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Karpi P.S. Case no. 137 of 2018, registered under Sections 420, 120(B) of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, pending in the Court of Special Judge (Excise)-cum-Addl. Sessions Judge-II, Jehanabad.

The accusation is that on 24.09.2018 at about 11.00 P.M., informant, being the Officer in charge of Karpi Police



Station received information that in the campus of ITI Dariyapur, Arwal cartons of India made foreign liquor were being loaded in Bolero and tempo after unloading from a truck. Thereafter, informant along with other Police personnel reached there. On seeing the Police vehicle, some persons fled away jumping the boundary wall of I.T.I. in west side taking advantage of darkness, but at that time petitioner No.1 was identified by ASI Sushant Kumar in the light of torch. On search, 4836 bottles volume 2664 liters of India made foreign liquor kept in 1031 cartons recovered from the truck, whereas, 11 cartons, containing 132 bottles each of 750 ML India made foreign liquor recovered from the Bolero vehicle. After opening the tool box of the Bolero vehicle, owner book was seized in which the name of petitioner No.3 was shown as owner of the Bolero vehicle.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that petitioner No.1 Krishna Yadav was seen in course of fleeing in the mid night in the light of torch by ASI Shusant Kumar, but it is not disclosed that how ASI Shusant Kumar identified the petitioner's name. Further submission is that petitioner No. 3 is admittedly owner of the Bolero from which 132 bottles, each containing 750 ML India



made foreign liquor recovered, but petitioner No. 3 had no knowledge about the carrying of the liquor by the driver.

Having regard to the facts and circumstances of the case, let the petitioner No.1 Krishna Yadav, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge (Excise)-cum-Addl. Sessions Judge-II, Jehanabad in connection with Excise Case No. 943 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. However, pre arrest bail of petitioner No.3 Sujit Kumar, owner of Bolero vehicle is, hereby, rejected and he is directed to surrender before the trial Court within four weeks and pray for regular bail, which would be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

manish/-

U		T	
---	--	---	--

