

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81113 of 2019

Arising Out of PS. Case No.-393 Year-2019 Thana- GHORASAHAN District- East
Champaran

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1. Seshnath Yadav @ Seshnath Kumar, Son of Ram Pravesh Yadav, Resident of Village - Tonwa, P.S.- Jharokhar (Ghorasahan), Distt.- East Champaran.
 2. Pintu Giri @ Pintu Kumar, Son of Naresh Giri, Resident of Village - Tonwa, P.S.- Jharokhar (Ghorasahan), Distt.- East Champaran.
 3. Ramparvesh Yadav @ Ramparvesh Rai, Son of Late Ramswarup Mahto @ Ram Swarup Ray, Resident of Village - Tonwa, P.S.- Jharokhar (Ghorasahan), Distt.- East Champaran.
 4. Ammu Jaiswal @ Ammu Ji @ Jainat Kumar @ Jayant Kumar Chaudhary, Son of Dharmendra Jaiswal, Resident of Village - Tonwa, P.S.- Jharokhar (Ghorasahan), Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshuman Singh, Advocate Mr. Rakesh Kumar No.1, Advocate
For the Opposite Party/s	:	Mr. Lakshmi Kant Sharma, APP

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 342, 323, 414, 353 of the Indian Penal Code and Sections 30(a) and 45 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the self statement of S.I. Lalbabu Prasad Yadav, S.H.O. of Jharokhar P.S. Camp Tanwa dated 14.10.2019 is to the effect that local Chaukidars, Ram



Awtar Rai and Lalbabu Paswan were deputed to keep watch on the vehicles coming from Nepal when intercepted one Honda Super Splendor bearing Registration No. BR-030D-9817 parked in abandoned condition and when the Chaukidar reached there, the accused persons fled away. From the motorcycle in question 97.500 litres of Indian Made Foreign Liquor was recovered. It is also alleged that the accused persons assaulted both the Chaukidars with fists and slaps and on arrival of the villagers they escaped from the scene.

It is submitted by learned counsel for the petitioners that admittedly the recovery has not been made from conscious physical possession of the petitioners and petitioners have no concern with the motorcycle in question, statement to that effect has been made in paragraph 10 of the petition, which reads as follows:-

“That it is relevant to state here petitioners have no concern with the seized Hero Honda Motorcycle, it may consider by your Lordships.”

A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners escaped from the place of seizure.



Considering the fact that the recovery has not been made from conscious physical possession of the petitioners and statement being made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, 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 Act, East Champaran at Motihari in connection with Ghorasahan P.S. Case No. 393 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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