

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83766 of 2019

Arising Out of PS. Case No.-248 Year-2019 Thana- BIHIA District- Bhojpur

Uday Singh, Son of Late Omkar Singh, Resident of Village- Karisath, P.S.-
Udwanthnagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mrs.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

It is alleged that from three vehicles altogether 224 litres of Indian Made Foreign Liquor were recovered. The petitioner is alleged to have escaped from the scene.

It is submitted by learned counsel for the petitioner that only on the basis of confessional statement of co-accused Sonalal, the name of the petitioner sprang up in the present case. It is further submitted that there is no recovery from conscious physical possession of the petitioner and petitioner has no



concern with the vehicle in question, but statement to that effect has not been made in the petition. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner escaped from the scene.

Considering the fact that there is no recovery from conscious physical possession of the petitioner and statement being made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail provisionally for two months 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 4th Additional Sessions Judge -cum- Special Judge, Excise, Bhojpur at Ara in connection with Excise Case No. 1302 of 2019, Bihiya P.S. Case No. 248 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned Court below verify the contention of the petitioner to the effect that the petitioner has no concern with the vehicle in question and if it is found that the petitioner has no



concern with the vehicle in question, then the learned Court below confirm the provisional bail of the petitioner, otherwise the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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