

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75149 of 2018

Arising Out of PS. Case No.-317 Year-2017 Thana- BARH District- Patna

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Utpalkant Kumar @ Vicky Kumar @ Jhara Singh, Son of Bhagirath Singh,
Resident of Village- Berhna, Police Station- Barh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30(a) and 34(b) of Bihar Prohibition and Excise Act, 2016.

The prosecution case is that Sachin Kumar, A.S.I of Barh Police Station, on 29.10.2017, during patrolling when they reached near the Bus Stand, two persons driving on motorcycle tried to escape from the scene. One person escaped from the scene while the other person was apprehended who disclosed his name as Ram Singh. From the possession of the



apprehended accused person, 4.425 liters of foreign liquor was recovered, who disclosed the name of the escaped person as Jhara Singh, the petitioner. On the place of seizure one person found in drunken state, misbehaved with police personal.

It is submitted by learned counsel for the petitioner that admittedly recovery has not been made from the conscious possession of the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the apprehended person is brother of the petitioner, who disclosed the name of the petitioner.

Considering the fact that the recovery was not made from the conscious possession of the petitioner, 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 anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 learned **Special Judge Excise, Patna** in connection with **Special Case No.7542 of 2017** arising



out of **Barh P.S. Case No. 317 of 2017**, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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