

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83795 of 2019

Arising Out of PS. Case No.-339 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

1. Rajesh Kumar @ Rajesh Chaurasiya Son of Nathuni Chaurasiya Resident of Village - Suleman Chhapra, P.S.- Sahebganj, District - Muzaffarpur.
2. Lal Babu Chaurasiya Son of Nathuni Chaurasiya Resident of Village - Suleman Chhapra, P.S.- Sahebganj, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 272 and 273 of the IPC and Section 30(a), 36 and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that on secret information that illicit liquor is being transported by a truck, raid was laid and 1601.610 litres of Indian Made Foreign Liquor were recovered. It is alleged that the accused persons, who were unloading the liquor, suggested that the consignment was delivered on the order of the petitioners and on arrival of police, they escaped



from the scene.

It is submitted by learned counsel for the petitioners that recovery has not been made from the conscious physical possession of the petitioners. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the name of the petitioners sprang up on the confession of apprehended co-accused persons.

Considering the fact that recovery has not been made from the conscious physical possession of the petitioners, coupled with the fact that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Sahebganj P.S. Case No. 339 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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