

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1150 of 2020

Arising Out of PS. Case No.-195 Year-2019 Thana- PARSA District- Saran

Nagendra Singh, S/o Late Jodha Singh, R/o village- Pure Chapra, P.S.- Parsa,
District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh
For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-02-2020 Heard learned counsels for the petitioner and the
State.

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

The prosecution case is to the effect that on secret information that co-accused Shivnath Manjhi has stored the illicit liquor and is trading the same, raid was laid and co-accused Shivnath Manjhi was apprehended and from his house, 20.400 litres of Indian Made Foreign Liquor were recovered. The apprehended co-accused Shivnath Manjhi disclosed that he has brought the seized liquor from the petitioner.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical



possession of the petitioner. The petitioner is not named in the FIR. His name subsequently sprang up on the confession of apprehended co-accused person. A statement has been made in paragraph no.3 of the petition that the petitioner is made accused in two other cases, though a supplementary affidavit has been filed to the effect that in those cases, he is on bail.

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

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioner, let the above named petitioner 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) with two sureties of like amount each to the satisfaction of learned 2nd Addl. Sessions Judge cum Special Judge, Excise, Saran at Chapra in connection with Parsa P.S. Case No. 195 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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