

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1196 of 2020

Arising Out of PS. Case No.-188 Year-2018 Thana- BALIYA District- Begusarai

Sharwan Kumar @ Sharvan Kumar @ Shrawan Kumar Son of Pawan Sah
Resident of Village - Siraja, Dhanauli, P.s.- Balia, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mrs.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 30(a), 32 and 41(1) of Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the self statement of Sunil Kumar, Sub-Inspector of Police -cum- Station House Officer of Balia Police Station recorded on 05.07.2018 at 6.00 A.M., is to the effect that on the same day during night patrolling, a secret information was received that co-accused Bhola Mahto is indulged in unloading liquor near Mohanpur Dav at Panhas, consequently, a raid was laid, when on seeing the police party, co-accused Bhola Mahto and others flee away by one Creta car bearing Registration No. 8087 and while coming back,



information was received that a pickup van loaded with liquor was seized which belonged to co-accused Bhola Mahto and 1649.52 litres of Indian Made Foreign Liquor were recovered. During investigation, it transpired that the petitioner had a conversation with the accused persons at the time of seizure.

It is submitted by learned counsel for the petitioner that admittedly, there is no recovery from the conscious physical possession of the petitioner and the mobile phone through which the petitioner is alleged to have a conversation with the co-accused persons is registered in the name of grandfather 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 submits that the name of the petitioner sprang up during investigation.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioner and suspicious nature of accusation, coupled with the statement 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 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 Additional Sessions Judge-II -cum- Special Judge, Excise Act, Begusarai in connection with Balia P.S. Case No. 188 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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