

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1157 of 2020

Arising Out of PS. Case No.-167 Year-2019 Thana- HASPURA District- Aurangabad

PREM KUMAR @ GOLU GIRI S/o Jay Prakash Giri Resident of Village-
Shankarpur (Paharpura), P.S.- Haspura (Jalpura), District- Aurangabad
(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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

It is alleged that the petitioner was driving a Scooty from which, 25.92 litres of Indian Made Foreign liquor was recovered. However, the petitioner managed to escape from the place of seizure.

It is submitted by learned counsel for the petitioner that the said recovery has not been made from the conscious physical possession of the petitioner and only on the basis of suspicion, the petitioner has been roped in the present case. In



fact, the petitioner has neither any concern with the seized liquor or the Scooty. A statement to that effect has been made in paragraph no.6 of the petition, which reads as under :

“That the petitioner is not owner of the seized Scooty nor recovered material is belong to the petitioner...”

A further statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that during enquiry it was found that the petitioner was driving the Scooty from which the said liquor has been recovered.

Considering the fact that the said liquor has been recovered from the Scooty which does not belong to 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 ADJ-VII-cum-Special Judge (Excise), Aurangabad, in connection with



Haspura P.S. Case No.167 of 2019, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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