

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4546 of 2020

Arising Out of PS. Case No.-432 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

BHUSHAN SAH @ BHUSHAN KUMAR, Son of Sri Kashi Sah, Resident of
Village - Pratap Patti, P.S.- Sahebganj, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha1, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-02-2020 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 Sections 272, 273, 414, 341 of the I.P.C. and Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016, as amended by the Amendment Act 8 of 2018.

The prosecution case as per the written report of Md. Rustam, S.I., Sahebganj submitted before the S.H.O., Sahebganj is to the effect that the informant received secret informant that foreign liquor is being transported through a Tata Sumo vehicle. Consequently, Tata Sumo vehicle was intercepted and co-accused, Rama Shankar Kumar was apprehended. During frisking, from the vehicle, 449.250 litres of Indian Made Foreign liquor were recovered. The



apprehended co-accused disclosed the name of the petitioner and other accused persons who escaped from the scene. The apprehended co-accused further disclosed that co-accused, Naresh Sahni asked him to carry the said liquor.

It is submitted by learned counsel for the petitioner that admittedly the petitioner was not apprehended from the spot nor anything has been recovered from his conscious physical possession. Moreover, the vehicle in question from which the said recovery is alleged to have been made belongs to co-accused, Naresh Sahani. A 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 the name of the petitioner was disclosed by the apprehended co-accused.

Considering the fact that the said recovery prima facie does not appear to have been made from the conscious physical possession of the petitioner and the vehicle from which the said recovery is alleged to have been made 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-II-cum-Special Judge (Excise), Muzaffarpur, in connection with Sahebganj P.S. Case No.432 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

