

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2665 of 2020

Arising Out of PS. Case No.-421 Year-2019 Thana- SAKRA District- Muzaffarpur

Sushil Kumar Singh @ Sushil Singh Son of Krishnanadan Prasad Singh @
Krishnanand Singh Resident of Village - Manika, P.S.- Mushahari, 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.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-02-2020 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 420, 467 and 468 of the IPC, Sections 25(1-B)a, 26 and 35 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by Act 8 of 2018.

It is alleged that the informant, being the S.I. of Police received an information that Co-accused Babua Don, Vikki Don, Md. Istiyak, Avinash Kumar and the petitioner, Sushil Singh have brought illicit liquor through a truck and are unloading the same, consequently, the police went to raid when all the accused persons resorted to fire. Subsequently, all the accused persons escaped from the scene, but co-accused Munchun Thakur was apprehended, who disclosed the name of



all the accused persons including the petitioner as the persons who escaped from the scene. From possession of the apprehended co-accused person, one country made loaded pistol was recovered. On further search being made, total 1415.080 litres of Indian Made Foreign Liquor were recovered from an open area.

It is submitted by learned counsel for the petitioner recovery has not been made from conscious physical possession of the petitioner. The petitioner has been roped in the present case on the confession of apprehended co-accused person. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

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

Considering the fact that prima facie recovery appears to have not been made from the possession of the petitioner, coupled with the fact that the petitioner is not having any criminal antecedent, 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 Special Judge, Excise Act, Muzaffarpur in connection
with Sakra P.S. Case No. 421 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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