

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4364 of 2020

Arising Out of PS. Case No.-453 Year-2019 Thana- PUPRI District- Sitamarhi

Sonu Kumar, Son of Vishnu Kasera, Resident of Village - Jaitpur, P.S.- Pupri,
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Jha

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-02-2020 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 272, 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016 as amended by Amendment Act 8 of 2018.

The prosecution case as per the written report of Dayashankar Sah, S.I. of Police submitted to the Station House Officer of Pupri Police Station is to the effect that on 07.11.2019 at 3.30 P.M. during vehicle check, the informant received a secret information that the petitioner Sonu Kumar and co-accused Vinay Kumar are selling illegal liquor, consequently, a raid was laid and from an orchard situated at Goshala road, 31.500 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner



that the recovery has not been made from conscious physical possession of the petitioner and only on the basis of suspicion, the petitioner has been roped in the present case, particularly when the recovery has been made from an orchard and the same does not belong to 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 petitioner is named in the FIR with accusation that he and co-accused stored the liquor in the orchard and consequently, the liquor has been recovered.

Considering the fact that the recovery has not been made from conscious physical possession of the petitioner that the same has been made from an orchard which does not belong to the petitioner and 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 District & Sessions Judge-II -cum- Special Judge, Excise Act, Sitamarhi in connection with Pupri P.S. Case



No. 453 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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