

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4610 of 2020

Arising Out of PS. Case No.-437 Year-2019 Thana- SAUR BAZAR District- Saharsa

Amit Kumar, Son of Gajendra Prasad Yadav Resident of Village-Bhavtiya,
Ward No.06, Suhath, P.S.-Saur Bazar, District-Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

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

It is alleged that from a Maruti Suzuki Alto car parked in front of the PACS godown, 62.280 litres of Indian Made Foreign Liquor were recovered. The name of the petitioner sprang up as the villagers saw the petitioner fleeing away from the place of seizure.

It is submitted by learned counsel for the petitioner the recovery has not been made from the conscious physical possession of the petitioner and petitioner has no concern with the vehicle in question or the seized liquor, statement to that



effect has been made in paragraph 9 of the petition, which reads as follows:-

“That the petitioner has no concern with the seized liquor or the Maruti Suzuki Alto Car. He is neither the owner nor the driver of the said vehicle.

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 on the statement of co-villager as he was seen fleeing away from the place of seizure.

Considering the fact that the recovery prima facie does not appear to have been made from conscious physical possession of the petitioner rather the same has been made from a Maruti Suzuki Alto car which does not belong to the petitioner, 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), Saharsa in connection with Sour Bazar P.S. Case No.
Sour Bazar P.S. Case No. 437 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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