

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4871 of 2020

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

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SANJIVAN RAI @ RAM SANJIVAN RAI Son of Ramprit Ray Resident of
Village - Dhanhara ward no. 2, P.S.- Runnisaidpur, Distt - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Jha

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-03-2020 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise(Amendment) Act, 2018.

The prosecution case as per the the written report of SI Manoj Kumar Singh submitted to the SHO, Runnisaidpur Police Station is to the effect that on 31.10.2019 when the informant was on night patrolling duty, he received a telephonic message that Rajkaran Rai of village Dhanhara under Ward No. 2 has stored liquor in his fodder house. Consequently, raid was laid and co-accused Rajkaran Rai was apprehended and from his house, altogether 410.67 litres of Indian Made Foreign



liquor was recovered. The apprehended accused Rajkaran Rai stated before the police that the liquor was taken from co-accused Tapeswar Rai with the help of his neighbour Sanjivan Rai (petitioner).

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner. 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 in the statement of apprehended co-accused Rajkaran Rai.

Considering the fact that the recovery has been made from the fodder house of co-accused Rajkaran Rai coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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 -cum-Special Judge, Excise, Sitamarhi in connection with Runnisaidpur P.S.



Case No.453 of 2019 subject to the conditions laid down
in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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