

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4826 of 2020

Arising Out of PS. Case No.-190 Year-2019 Thana- AANDAR District- Siwan

1. PAPPU SAH, Son of Late Aatma Saah Resident of Village- Signhi, P.S.- Aandar, Distt- Siwan
2. Jai Prakash @ Prakash Kumar @ Prakash Kumar Chauhan, S/o Bahadur Noniya @ Lal Bahadur Mahato Resident of Village- Badi Baghouni, P.S.- Hussainganj, Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioners and learned
APP for the State.

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

The prosecution case as per the written report of S.I. of Police Captain Sahnawaz, the S.H.O., Andar Police Station submitted before the ADJ-II-cum-Special Judge (Excise), Siwan is to the effect that on 13.11.2019 at 3.30 A.M., the informant after having received a secret information that co-accused, Pankaj Sah and the petitioners, Jai Prakash and Pappu



Sah are carrying liquor through a pick-up van and subsequently, the pick-up van was interpreted, from which, total 194 litres of Indian Made Foreign liquor were recovered.

It is submitted by learned counsel for the petitioners that the said recovery has not been made from the conscious physical possession of the petitioners and the petitioners are not the owner of the vehicle in question from which the said recovery is alleged to have been made. Though statement to that effect has not been made in the petition. It is further submitted that apart from the present case, the petitioners are accused in one other case, but they are on bail in the respective case.

Learned APP for the State submits that the said recovery has been made from a pick-up van which is alleged to have been carried by the petitioners and other.

Considering the said recovery alleged to have been made from a pickup van which does not belong to the petitioners, let the above named petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned



ADJ-II-cum-Special Judge (Excise), Siwan, in connection with
Andar P.S. Case No.190 of 2019, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

It is made clear that the bail bonds of the petitioner
will be accepted by the learned Court below on filing of an
affidavit to the effect that the petitioner is not the owner of the
vehicle in question from which recovery has been made.

(Dinesh Kumar Singh, J)

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