

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 4835 of 2020

Arising Out of PS. Case No.-228 Year-2019 Thana- SIDHWALIYA District- Gopalganj

1. Krishna Sah, S/o Late Motilal Sah R/o village- Bushunpura Bazar, P.S.- Sidhwaliya, Distt.- Gopalganj
2. Rita Devi W/o Krishna Sah R/o village- Bushunpura Bazar, P.S.- Sidhwaliya, Distt.- Gopalganj
3. Ritesh Kumar Sah S/o Krishna Sah R/o village- Bushunpura Bazar, P.S.- Sidhwaliya, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh
For the Opposite Party/s : Mrs. Asha Devi

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 414 and 34 of the IPC and Section 30 (a) of Bihar Prohibition and Excise Act, 2018.

The prosecution case is to the effect that on secret information that illicit liquor is being transported, the informant being the officer In-charge of the Gopalganj Police Station intercepted a pick up van but on seeing police party the petitioner and other co-accused persons managed to escape from



the scene. However, from the seized vehicle, 74.520 litres of Indian Made Foreign Liquor were recovered.

It is submitted by the learned counsel for the petitioner that petitioner was not apprehended from the spot and no recovery has been made from the conscious physical possession of the petitioner. A statement has been made in paragraph-13 of the petition that petitioner is not having any concern with the seized vehicle. A statement has been made in paragraph-3 of the petition that petitioner no.1 is accused in one other case also. Whereas petitioner nos. 2 and 3 is not having any criminal antecedent.

Learned APP submits that that the petitioner manage to escape from the scene.

Considering the fact that petitioner was not apprehended from the spot and prima facie, recovery appears not to have been made from the conscious physical possession of the petitioner, let the above named petitioners 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) each with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge II cum Special



Judge Excise, Gopalganj in connection with Sidhwaliya Police
Station Case No. 228 of 2019 subject to the condition as laid
down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J.)

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