

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9741 of 2020

Arising Out of PS. Case No.-162 Year-2019 Thana- DHANSOI District- Buxar

Tulsi Paswan S/o Mangaldev Ram @ Mangaru Paswan Resident of Village-
Saisar, P.S.- Dinara, Distt- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

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

The prosecution case is to the effect that on secret information that in a paddy field, illicit liquor has been stored, raid was laid and from the paddy field of co-accused Ramdayal Pathak, 85.860 litres of Indian Made Foreign Liquor were recovered, when on inquiry, it was transpired that all the FIR named accused persons including the petitioner were carrying the seized liquor but on seeing the police personnel, they escaped from the scene.

It is submitted by learned counsel for the petitioner that the 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 no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that on inquiry, it was found that the all the FIR named accused persons including the petitioner were carrying the seized liquor, but on seeing the police personnel, they escaped from the scene.

Considering the fact that the petitioner was not apprehended from the spot and the recovery, prima facie, does not appear to have been made from the conscious physical possession of the petitioner, coupled with the fact that the petitioner is not having any criminal antecedent, let the above named petitioner 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) with two sureties of like amount each to the satisfaction of learned ADJ-II-cum-Special Judge, Excise at Buxar in connection with Dhansoin P.S. Case No. 162 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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