

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54491 of 2019

Arising Out of PS. Case No.-349 Year-2019 Thana- SHERGHATI District- Gaya

RAHUL KUMAR Son of Tilak Sao Resident of Village- Chatra Road Dobhi,
P.S.- Dobhi, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 04-03-2020 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 414/34 of the IPC and Sections 30(a) and 30(d) of the Bihar Prohibition and Excise Act, 2016, as amended by Act 8 of 2018.

The prosecution case is to the effect that on 29.07.2019, the informant, being A.S.I. of Police received a secret information that from two vehicles without having registration number, Mahua Flower and Mahua liquor is being transported, consequently, a Santro car, without having registration number was intercepted, by which apart from the driver, three other accused persons were found travelling, and on seeing the police party, two persons managed to escape but two persons were



apprehended. From the alleged Santro car, 200 litres of country made liquor were recovered. Subsequently, a Maruti car without having its registration number was also intercepted and from the said car, 400 kg Mahua flower was recovered and the driver of the Maruti car was apprehended, who disclosed the name of the petitioner as the person who 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 the name of the petitioner sprang up on the confession of apprehended co-accused.

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 Special Judge, Excise, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 349 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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