

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79357 of 2019

Arising Out of PS. Case No.-178 Year-2019 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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SUJEET KUMAR @ SUJEET SAH, S/o Late Binod Sah, R/o
Village/Mohalla- Aajam Nagar Sikchak Colony, P.S.- L.N.M.U., District-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Adv.

For the Opposite Party/s : Mr. Veena Rani Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case
registered for the offences punishable under Sections 272, 273,
34 Section 30(a) of the Bihar Excise and Prohibition Act, 2016.

The prosecution case got initiated on the basis of
written report of Akhilesh Kumar, A.S.I. of Police submitted
before the Station House Officer, University Police Station,
Darbhanga is to the effect that on 11.06.2019, during
patrolling, one auto rickshaw was intercepted and from the
auto rickshaw, total 81 litres Nepal liquor were recovered.
Though one lady escaped from the auto rickshaw and entered
into the house, but she was chased by the police and her house



was searched, leading to recovery of 135 litres of Nepali liquor. The lady disclosed her name as Ranjana devi and admitted the fact that she along with her brother, the petitioner Sujeet Kumar and Nandu Sah used to deal the liquor.

It is submitted by learned counsel for the petitioner that there is no recovery from the conscious physical possession of the petitioner and the name of the petitioner sprang up on the basis of confessional statement of co-accused. It is further submitted that similarly situated co-accused, Veena Devi, whose name has also been sprang up on the basis of confessional statement of co-accused, Ranjana Devi, has been granted bail by a co-ordinate Bench of this Court, vide order dated 02.12.2019, passed in Criminal Miscellaneous No.77934 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner's name sprang up on the basis of confessional statement of co-accused Ranjana Devi and he is not denying the fact that similarly situated co-accused, Veena Devi whose name has also been suggested by co-accused, Ranjana Devi, has been granted anticipatory bail.



Considering the fact that the alleged recovery has not been made from the conscious physical possession of the petitioner and he has been named in the present case on the basis of confessional statement of co-accused, let the above named petitioner 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) with two sureties of the like amount each to the satisfaction of the learned ADJ-II-cum-Special Judge (Excise), Darbhanga, in connection with L.N.M.U. P.S. Case No.178 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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