

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79326 of 2019

Arising Out of PS. Case No.-309 Year-2019 Thana- MASHRAK District- Saran

MANTOSH SAH Son of Late ShrawanSah Resident of Village- Dumarson,
P.S.- Masrakh, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Ban Bihari Singh, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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 of the Indian Penal Code and Sections 30, 30(a) of the Bihar Excise and Prohibition Act, 2016, as amended by Act 8 of 2018.

The prosecution case got initiated on the basis of written report of Md. Farooq, A.S.I. of Police submitted before the Station House Officer, Mashrakh Police Station is to the effect that on 25.07.2019, one Ashok Sah was arrested, who made his confession before the police that through a pick up van, the illicit liquor is being transported and he named Mantosh Sah, Bablu Bhagat and Guddu Sah. Consequently,



200 litres of illicit country made liquor were recovered from the pick up, leading to registration of the present FIR.

It is submitted by learned counsel for the petitioner that admittedly the said recovery has not been made from the conscious possession of the petitioner and the name of the petitioner sprang up only on the basis of confessional statement of co-accused, Ashok Sah along with other co-accused, namely, Guddu Sah and Bablu, who have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 22.01.2020, passed in Criminal Miscellaneous No. 86603 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 though the petitioner along with other accused persons on seeing the police escaped from the scene, but the pick up van in question was intercepted. However, the name of the petitioner sprang up on the basis of confessional statement of co-accused, Ashok Sah and similarly situated co-accused have been granted anticipatory bail by a co-ordinate Bench of this Court.

Considering the fact that the name of petitioner sprang up in the present case only the basis of confessional statement of



co-accused, Ashok Sah and other similarity situated co-accused have been granted anticipatory bail by a co-ordinate Bench of this Court coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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-I, Saran at Chapra, in connection with Masrakh P.S. Case No.309 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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