

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81897 of 2019

Arising Out of PS. Case No.-306 Year-2019 Thana- BHORE District- Gopalganj

Sachin Kumar, Son of Sudarshan Bhagat, Resident of Village - Gousesia @
Domanpur Gousesia, P.S.-Bhorey, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5

For the Opposite Party/s : Mr.Parmanand Prasad

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 his arrest in a case registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of 2018.

The prosecution case is that one Chhotelal Manjhi was apprehended while driving motorcycle with 66.600 litres of country made liquor, who disclosed the name of four persons including the petitioner, who have played role in commission of the offence.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner and petitioner has no concern with



the motorcycle in question or liquor. Statement to that effect has been made in paragraph 6 of the petition, which reads as follows:-

“That the petitioner deny any connection with the said motorcycle UP53M-74-7 (the third digit on the number plate was missing) or the consignment of illegal liquor, loaded on the motorcycle.”

A statement has been made in paragraph 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 Chhotelal Manjhi.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioner and statement being made in paragraph 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge II -cum- Special Judge (Excise), Gopalganj in



connection with Bhore P.S. Case No. 306 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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