

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3216 of 2020

Arising Out of PS. Case No.-482 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Manish Kumar S/o Mahendra Kumwar @ Mahendra Kumar Resident of
Village- Itwa, P.S.- Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey
For the Opposite Party/s : Mr. Raj Kishore Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 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 Sections 414 and 120B of the IPC and 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, the saw mill of co-accused Rohit Kumar was raided, from where co-accused Rohit Kumar and Jitendra Kumar were apprehended and 407.625 litres of Indian Made Foreign Liquor were recovered. The apprehended co-accused persons disclosed the name of the petitioner as the person who was accomplice in liquor trade and on seeing the police, he



managed to escape from the scene.

It is submitted by learned counsel for the petitioner that the petitioner has not been 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 also made accused in five other cases, but a supplementary affidavit has been filed to the effect that out of five cases, in four cases, he is on bail.

Learned APP submits that the name of the petitioner sprang up on the confession of apprehended co-accused persons and on seeing the police, the petitioner escaped from the scene.

Considering the fact that the petitioners was not apprehended from the spot and recovery, prima facie, appears not to have been made from the conscious physical possession of the petitioner, 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 Addl. Sessions Judge II cum Special Judge, Excise, Begusarai in connection with Muffasil P.S. Case No. 482 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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