

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4722 of 2020

Arising Out of PS. Case No.-64 Year-2019 Thana- LALGANJ District- Vaishali

Amresh Kumar @ Amresh Rai, Male, aged about 21 years, Son of Ram Naresh Ray, Resident of Village-Salempur, P.S.-Lalganj, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Adv.
For the Opposite Party/s : Mrs. Asha Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 29-02-2020 Heard learned counsel for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30(a), 32 (2) and 41(1) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of the 2018.

The prosecution case is to the effect that the informant on 18.07.2019 being officer in-charge of Lalganj Police state, during patrolling intercepted a Maruti Car and from the said vehicle, 153 liters Indian Made Foreign Liquor was recovered and one person was apprehended who disclosed his name as co-accused Vivek Kumar and disclosed the name of the petitioner as the person who is indulged in the business of illicit liquor.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the place of seizure hence,



the said recovery cannot be treated to be made from his possession. It is further submitted that the petitioner has neither any concern with the seized liquor or the vehicle in question. A statement to that effect has been made in paragraph no. 7 of the petition. It is further submitted that similarly situated co-accused Biru Yadav and Kundan Kumar have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 18.02.2020 passed in Cr. Misc. No. 85662 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the State 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 place of seizure, statement made in paragraph no. 7 of the petition to the effect that the petitioner has neither any concern with the said liquor or with the vehicle in question, coupled with the 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 Additional District and Session Judge-II-cum-Special Judge, Excise, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 64 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Rahul/Gautam

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