

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80091 of 2019

Arising Out of PS. Case No.-210 Year-2019 Thana- TAJPUR District- Samastipur

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Sawan Kumar S/o Dhanraj Sahni R/o village- Marui, P.S.- Patepur, District-
Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Brisketu Sharan Pandey

For the Opposite Party/s : Mr.Bishweshwar Ram

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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 A.P.P.
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30(a), 41(i) and 41(ii) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case got initiated on the basis of a written report submitted by Md. Jawed, A.S.I. of the Tajpur Police Station is to the effect on 14.07.2019 at about 01.40 P.M. the informant along with other police officers were on the patrolling duty when he saw a person coming on a motorcycle who on seeing the police, started to flee away but on chase being made, he was apprehended and 8.25 liters of Indian Made foreign liquor was recovered from the motorcycle and he disclosed that he was bringing the liquor from Sawan Kumar, the petitioner.

It is submitted by learned counsel for the petitioner that



the petitioner was not apprehended from the spot and his name surfaced only on the basis of apprehended co-accused. It is further submitted that apart from the confessional statement of the co-accused, there is no recovery of any incriminating materials from the conscious possession of the petitioner. The petitioner has no concern with the recovered liquor or the vehicle. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent

Considering the nature of allegation and the fact that apart from the confessional statement of co-accused no incriminating substance has been recovered from the possession of the petitioner, 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 bail, in the event of his arrest or surrender before the court below within a period of twelve 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 learned Addl. A.D.J.II-cum-Special Judge, Excise, Samastipur in connection with Tajpur P.S. Case No.210 of 2019, subject to conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

nawalkrs/-

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