

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86833 of 2019

Arising Out of PS. Case No.-232 Year-2019 Thana- BHANGWANPUR HAT District- Siwan

1. Sanjiv Kumar Son of Awadh Kishore Gupta Resident of Village - Barkagaown, P.S.- Bhagwanpur Hat, District- Siwan
2. Vinay Kumar Gupta @ Vinay Gupta Son of Sambhu Sah Resident of Village - Barkagaown, P.S.- Bhagwanpur Hat, District- Siwan
3. Sambhu Sah Son of Late Radha Kishun Sah Resident of Village - Barkagaown, P.S.- Bhagwanpur Hat, District- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-02-2020 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that on information that from a pick up van, liquor is being unloaded, raid was laid and from the pickup van, 753.480 litres of Indian Made Foreign Liquor were recovered and two accused persons were apprehended, who disclosed the name of the petitioners as the persons who escaped from the scene.



It is submitted by learned counsel for the petitioners that the recovery has not been made from the conscious physical possession of the petitioners and the petitioners have not been apprehended from the spot. It is further submitted that a statement has been made in paragraph no.18 of the petition that the petitioners have no concern with the alleged vehicle. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the apprehended co-accused persons have disclosed the name of the petitioners as the persons who escaped from the scene.

Considering the fact that recovery has not been made from the conscious physical possession of the petitioners and the fact that the petitioners have no concern with the alleged vehicle, coupled with the fact that the petitioners are not having any criminal antecedent, let the above named petitioners 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) each with two sureties of like amount each to the satisfaction of learned Addl. Session Judge II cum special Judge, Excise Act, Siwan in connection with Bhagwanpur Hat



P.S. Case No. 232 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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