

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86832 of 2019**

Arising Out of PS. Case No.-386 Year-2018 Thana- BAHADURPUR District- Darbhanga

Raushan Purbey @ Raushan Kumar, Son of Ajay Mahto Resident of Mohalla
Lala Basti, Dilawarpur, P.S-Bahadurpur, District-Darbhang.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ugranath Mallik

For the Opposite Party/s : Mrs. Renu Kumari

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

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

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30(a), 32(ii), 36 and 41(i) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that from a truck, 720.360 litres of Indian Made Foreign Liquor were recovered when on enquiry it was found that the liquor was being transported at the behest of the petitioner.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner. A supplementary affidavit has been filed to the effect that the petitioner is not having any concern with the alleged truck. A statement has been made in paragraph



no.3 of the petition that the petitioner is also made accused in one other case in which he is on bail.

Learned APP submits that on enquiry it was found that the seized liquor was being transported at the behest of the petitioner.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioner and the petitioner is not owner of the alleged vehicle, 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 2nd Addl. Sessions Judge-cum-Special Judge (Excise Act), Darbhanga in connection with Bahadurpur P.S. Case No. 386 of 2018, 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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