

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85460 of 2019

Arising Out of PS. Case No.-319 Year-2019 Thana- AKBARPUR District- Nawada

MD. SAHANSAH Son of Late Md. Basi Resident of Village - Dharhara, P.S.-
Dhamaul, Distt – Nawada. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-02-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 279 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

129.900 liters of foreign liquor is said to have been recovered from a truck.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. The petitioner has no concern either with the seized liquor or any trade of liquor. Petitioner was not apprehended at the spot. While the petitioner was returning from West Bengal and reached near Koderma Ghati, he found some mechanical trouble in his truck and any how he reached the garage at Nawada and parked the truck. On the next day, when he



reached the garage the owner of the garage told that his truck has been stolen away. The aforesaid seized liquor was recovered from the truck when it met with an accident. Petitioner has no criminal antecedent. The owner of the truck, namely, Pradip Asthana has been granted bail by a coordinate Bench of this Court vide order dated 18.10.2019 passed in Cr. Misc. No.64920 of 2019.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, subject to showing receipt of deposit of Rs.5000.00 (Rupees Five Thousand) in the Juvenile Justice Fund of the State Social Welfare Department and on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional District and Sessions Judge-cum-Special Judge Excise, Nawada in connection with Akbarpur P.S. Case No. 319 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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