

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86002 of 2019**

Arising Out of PS. Case No.-158 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

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Bablu Singh Son of Ramayan Singh Resident of Village - Shampur Thakurahi
Bairiya, P.S.- Uchkagaow, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Prabhakar Singh, Advocate
		Mr. Pritish Ranjan, Advocate
For the Opposite Party/s :		Mr.Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 07.09.2019 in a case registered for the offences punishable under Sections 414/34 of the Indian Penal Code and Sections 30, 30(a) of Bihar Prohibition and Excise Act, 2016 as amended by Amendment Act 8 of 2018.

The prosecution case as per the written report of Suman Kumar Mishra submitted to Station House Officer, Gopalganj Town P.S. is to the effect that on 23.03.2019 during the raid, a truck was intercepted and on seeing the police party, some persons started fleeing away, though on chase being made,



three persons were apprehended, who disclosed their name as Arif, Ekramuddin and Akram. The apprehended co-accused Ekramuddin named the petitioner as the person who escaped from the scene along with co-accused Deepak Singh and Dilip Kumar and from the truck in question, 4320 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the recovery has not been made from conscious physical possession of the petitioner and the truck in question does not belong to the petitioner, statement to that effect has been made in paragraph 9 of the petition. Though the petitioner is accused in two other cases of similar nature but he is on bail in those cases.

Learned APP after going through the case diary submits that the name of the petitioner surfaced on the confession of apprehended co-accused.

Considering the fact that the recovery has not been made from conscious physical possession of the petitioner and statement being made in paragraph 9 of the petition that the truck does not belong to the petitioner, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount



each to the satisfaction of learned 2nd Additional Sessions Judge
-cum- Special Judge, Excise, Gopalganj in connection with
Gopalganj Town P.S. Case No. 158 of 2019.

(Dinesh Kumar Singh, J)

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