

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46280 of 2024

Arising Out of PS. Case No.-687 Year-2021 Thana- PATRAKARNAGAR District- Patna

Shravan Kumar @ Bambam Jha @ Chaudhari Shravan Kumar Ray Son of
Ram Manoj Rai @ Chaudhary Ramanuj Ray Village- Batho Bhasour, P.S.-
Bahera, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishor Prasad, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-07-2024 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is named in the F.I.R.

and apprehended his arrest in connection with Patrakar

Nagar P.S. Case No. 687 of 2021 registered for the offences

punishable under Sections 30(a), 32 (ii) (iii), 36 and 41(i)(ii)

of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is to

be engage in illegal trading/manufacturing of illicit liquor,

where, there is recovery of 4668.375 litres of

IMFL/country made liquor.



5. Learned counsel appearing on behalf of the petitioner submitted that name of petitioner surfaced in the present case on the basis of disclosure as made by apprehended driver of the truck. It is admittedly submitted that petitioner was not apprehended on spot and it can be gathered safely that recovery of illicit liquor was not made from the conscious physical possession of this petitioner. It is also submitted that petitioner found involved in three more cases of similar nature, where he is on bail.

6. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

7. In view of the facts and circumstances as mentioned above as recovery of illicit liquor, *prima facie*, not appears to be made from the conscious physical possession of this petitioner, where name of this petitioner appears to be surfaced on the disclosure of driver, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two



sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act-I, Patna/concerned Court below where the case is pending in connection with Patrakar Nagar P.S. Case No. 687 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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