

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51220 of 2016

Arising Out of PS.Case No. -641 Year- 2016 Thana -ARARIA District- ARRARIA

1. Ram Babu, son of Satya Narain Mandal, Resident of Village- Thakur
Bari Road, Ward No.23, P.S. and District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anamul Haque

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-11-2016

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner is in judicial custody since 24.09.2016
in connection with Araria P.S.Case No. 641 of 2016 for the
offence alleged under Sections 272, 273/34 of the Indian Penal
Code and u/s 47, 51, 54 and 57 of Bihar Excise (Amendment)
Act, 2016.

The prosecution case is that the police, on secret
information, intercepted black zest car and found 20 bottles of
foreign liquor each containing one liter from the dickey. A truck
was also seized in which 20 bags each containing 20 bottles of
foreign wine was being transported.

It has been submitted by the learned counsel for the

petitioner that he is innocent and has falsely been implicated in the aforesaid case. It is only on the confessional statement of one apprehended accused, who was arrested from the zest car, namely, Sagar Halidar, on whose confessional statement the petitioner has been named. He has further submitted that the confessional statement of co-accused has no evidentiary value in the eye of law. He further submits that he was at his house and when he was called at the police station he went there and was arrested. He has no concern with the seized liquors and that he has no criminal history.

However, learned A.P.P. for the State submits that the petitioner is named in the FIR , hence, opposes the prayer for bail.

Be that as it may, since the petitioner has been named by the co-accused in his confessional statement and nothing has been recovered from the conscious possession of the petitioner, let above named petitioner be enlarged 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 C.J.M., Araria in Araria P.S.Case No.641 of 2016.

(Nilu Agrawal, J)

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