

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48049 of 2017

Arising Out of PS. Case No.-262 Year-2017 Thana- BUDDHACOLONY District- Patna

Sunil Kumar, S/o Lallu Rai, Resident of Mohalla- South Mandiri, P.S.-Budha Colony, District, Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Tiwary

For the Opposite Party/s : Sri Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 09-11-2017 Heard Sri Saket Tiwary, learned counsel for the petitioner and Sri Damodar Prasad Tiwary, learned Additional Public Prosecutor.

The sole petitioner , apprehending his arrest in Buddha Colony P.S. Case No. 262 of 2017 (Special Case No. 4725 of 2017) registered for the offence under section 290/34 of the Indian Penal Code , 1860 and Section 30(a), 37(b)(c) of the Bihar Prohibition and Excise Act, 2016 has prayed for grant of bail in the event of his arrest or surrender.

It was submitted by learned counsel for the petitioner that save and except confessional statement of the co- accused there is no other material to connect the petitioner. He further submits that even in the present case one empty bottle of 750 M.L. of foreign liquor was shown recovered from the co- accused and



co-accused confessed as if the said was provided by the petitioner and thereafter a raid was conducted in the house of the petitioner but nothing was recovered. Learned counsel for the petitioner has also drawn my attention to the statement made in paragraph no. 3 of the petition to show that petitioner is having clean antecedent.

Considering the nature accusation , the fact that petitioner's name has come only on confession of the co -accused and clean antecedent of the petitioner, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner Sunil Kumar be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise , Patna / concerned court in connection with Buddha Colony P.S. Case No. 262 of 2017 (Special Case No. 4725 of 2017) subject to the conditions as contemplated under section 438 (2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

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