

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54028 of 2017

Arising Out of PS. Case No.-364 Year-2017 Thana- Kotwali District- Patna

Md. Imran, son of Md. Pappu, resident of Mohalla-Adalatganj, P.S. Kotwali
and District-Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. N.A. Shamshi, Adv.
		Mr. Syed Mojibur Rahman, Adv.
For the Opposite Party/s	:	Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 10-11-2017 Heard Mr. N.A.Shamshi, learned counsel, assisted by Mr. Syed Mojibur Rahman, learned counsel for the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Kotwali P.S. Case No.364 of 2017(Spl. Case No.4123 of 2017) registered for the offence under Sections 30(a), 38(1)(2), 41(1), 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 it is a peculiar case, in which four persons in drunken condition were apprehended at four different places and all four persons disclosed as if they were provided wine by the petitioner. It is alleged that from two vehicles i.e. four wheeler and two wheeler, recovery of liquor was affected and some of the persons disclosed that the said vehicles belong to the petitioner. However, during investigation, it was submitted by learned



counsel for the petitioner that nothing has been brought on record to establish as to whether the petitioner was title owner of those vehicles or not. He submits that save and except confessional statement of co-accused, there is no other material to connect the petitioner. He has also drawn my attention to the statement made in paragraph-3 of the petition to show that the petitioner is having clean antecedent.

Considering the fact that the petitioner has been made accused mainly on the basis of confessional statement of co-accused before the police as well as clean antecedent, let the petitioner, namely, Md. Imran, in the event of his arrest or surrender within six weeks from today, 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 Addl. District and Judge-VIII-cum-Special Judge, Excise, Patna, in connection with Kotwali P.S. Case No.364 of 2017 (Special Case No.4123/2017), subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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