

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11084 of 2017

Arising Out of PS.Case No. -5 Year- 2017 Thana -DEO District- AURANGABAD

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1. Rahul Kumar, Son of Rajendra Prasad Gupta, Resident of village - Sitalal Gali, Deo, P.S. Deo, District - Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 17-03-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 30(ka) of the Bihar Excise (Amendment) Act, 2016.

Liquor was recovered from a four wheeler. One person was apprehended at the spot and on his identification another person, who fled away from there, namely Mukendra Kumar was implicated. The apprehended person further disclosed that the liquor was to be supplied to this petitioner.

Submission of the petitioner is that confession before the police in police custody has no evidencairy value in the eye of law and there is no accusation of possession by the petitioner.



Therefore, the bar under Section 76 of the Bihar Prohibition and Excise Act is not attracted in the facts and circumstances of this case.

In the circumstances, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad/Successor Court in connection with Deo Police Station Case No. 5 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Mkr./-

(Birendra Kumar, J)

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