

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11056 of 2017

Arising Out of PS.Case No. -265 Year- 2016 Thana -KHAIRA District- JAMUI

=====

Suraj Kumar @ Suraj Sao, S/o Sri Ganesh Sao, R/o Gali Road, Mahavir
Asthan, P.S.- Dhansar, Distt. Dhanbad, State Jharkhand.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s : Mr. Sri Yogendra Kumar

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 27-04-2017 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 offences punishable under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Excise (Amendment) Act, 2016.

The name of the petitioner has transpired in the confessional statement of co-accused Sanjeev Kumar who is driver of the vehicle from which liquor was recovered and Sanjeev Kumar arrested at the spot.

Submission of the petitioner is that there is no accusation against the petitioner rather his name has transpired in the confessional statement of co-accused before the police while in



police custody which is no evidence in the eye of law. In the circumstances, the bar under Section 76 of the Bihar Prohibition and Excise Act, 2016 is not attracted.

Considering the facts and circumstances of the case, 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 bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Jamui/Successor Court in connection with Khaira P.S. Case No.265 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and subject to the further condition that petitioner shall fully cooperate with the investigation and trial of the case, failing which the Court below shall be at liberty to take steps for cancellation of the bail bonds of the petitioner in this case.

(Birendra Kumar, J)

Arvind/-

U		T	
---	--	---	--

