

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33647 of 2018

Arising Out of PS. Case No.-30 Year-2018 Thana- BHANGWANPUR HAT District- Siwan

Sawali Rai @ Savaliya Yadav, S/o Late Sudarshan Rai, R/o village-
Matanpura, P.S.- Bhagwanpur Hat, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Harendra Prasad
For the Opposite Party/s : Smt. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 26-06-2018 Heard Sri Harendra Prasad , learned counsel for

the petitioner and Smt. Sharda Kumari, learned Additional

Public Prosecutor.

The sole petitioner , having clean antecedent,
which fact has been stated in paragraph no. 3 of the petition
, apprehending his arrest in connection with Bhagwanpur
Hat P.S. Case No. 30 of 2018 , registered for the offence
under Sections 272, 273, 308, 420 of the Indian Penal
Code, 1860 and Section 30(a)/41(1) of the Bihar Prohibition
and Excise Act 2016 , has prayed for grant of bail in the
event of his arrest or surrender.

Learned counsel for the petitioner by way of
referring to the F.I.R. submits that nothing was recovered



either from conscious possession of the petitioner or from his premises / field , rather in the case recovery was affected from the house of two accused persons and as per their confessional statement petitioner along with others were made accused. He submits that save and except confessional statement of the co-accused, there is no other cogent material to connect the petitioner in the present case.

Considering the fact that petitioner is having clean antecedent as well as the fact that he has been made accused on the basis of confessional statement of the co-accused and nothing was recovered either from his house or from conscious possession of the petitioner , in the event of his arrest or surrender within a period of six weeks from today, let the petitioner Sawali Rai @ Savaliya Yadav 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 Addl. Sessions Judge – II cum Special Judge, Bihar Excise and Prohibition Act, Siwan / concerned court in connection with Bhagwanpur Hat P.S. Case No. 30 of 2018 subject to the conditions



as contemplated under Section 438 (2) of the Code of
Criminal Procedure, 1973.

(Rakesh Kumar, J)

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