

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32695 of 2018

Arising Out of PS. Case No.-631 Year-2017 Thana- BARBIGHA District- Sheikhpura

Bijay Malakar @ Bijay Kumar Malakar, son of Jagdish Malakar,
resident of Mohalla-Sangatpar (Chotki Sangatpar), P.S. Barbigha,
District- Sheikhpura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Himanshu Kumar Akela, Adv.

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 13-06-2018 Heard Sri Himanshu Kumar Akela, learned counsel
for the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Barbigha P.S. Case No.631 of 2017, arising out of Excise Case No.840 of 2017 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 has prayed for grant of bail, in the event of arrest or surrender.

It was submitted by learned counsel for the petitioner that the petitioner has been made accused only on the basis of confessional statement of co-accused, whereas nothing was recovered either from the conscious possession of the petitioner or from the premises of the petitioner. He submits that in the case, recovery was affected from the house of one Suresh Singh



and on his confession, the petitioner was arrayed as accused. It has also been argued that on the same day, the petitioner has been made accused in other two cases in the same circumstances, otherwise the petitioner is having clean antecedent.

Considering the nature of accusation as well as the fact that the petitioner has been made accused only on the basis of disclosure made by the co-accused, that too before the police, let the petitioner, namely, Bijay Malakar @ Bijay Kumar Malakar, in the event of his arrest or surrender within six weeks from today, be enlarged 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 1st Addl. District and Sessions Judge, Sheikhpura in connection with Barbigha P.S. Case No.631 of 2017, arising out of Excise Case no.840 of 2017, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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