

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32510 of 2018

Arising Out of PS. Case No.-630 Year-2017 Thana- BARBIGHA District- Sheikhpura

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

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Himanshu Kumar Akela

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

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 14-06-2018 At the very outset , Sri Himanshu Kumar Akela,

learned counsel for the petitioner in presence of learned

Additional Public Prosecutor requests for allowing him to make

certain correction in paragraph no. 3 of the petition. He submits

in paragraph no. 3 incorrectly Police Case No. has been

mentioned as Barbigha P.S. Case No. 630 of 2017 instead of

Barbigha P.S. Case No. 632 of 2017.

Learned counsel for the petitioner is permitted to
make necessary correction in paragraph no. 3 of the petition in
course of the day.

Heard.

The sole petitioner, apprehending his arrest in
connection with Barbigha P.S. Case No. 630 of 2017 arising
out of Excise Case No. 839 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 his arrest or surrender.

At the very outset , learned counsel for the petitioner by way of referring to the F.I.R. submits that in the case a raid was conducted in premises of one Madan Saw from where huge quantity of Indian make foreign liquor was recovered and petitioner has been made accused on the basis of confessional statement of Madan Saw. It has been argued that except confessional statement there is no other material to connect the petitioner in the present case. It has also been argued that on the same day besides the present case petitioner was made accused in two other cases in similar circumstances.

Considering the fact that petitioner has been made accused only on the basis of confessional statement of co-accused and there is no other material against the petitioner , in the event of his arrest or surrender within a period of six weeks from today, let the petitioner Bijay Malakar @ Bijay Kumar Malakar 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 1st Addl. District and Sessions Judge, Sheikhpura / concerned court in connection



with Excise Case No. 839 of 2017 arising out of Barbigha
P.S. Case No. 630 of 2017 subject to the conditions as
contemplated under Section 438 (2) of the Code of Criminal
Procedure, 1973.

(Rakesh Kumar, J)

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