

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35014 of 2018

Arising Out of PS. Case No.-701 Year-2017 Thana- KOTWALI District- Patna

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Baijnath Prasad @ Dhodha, S/o Late Rewati Prasad, Resident of Kamla
Nehru Nagar, P.S.- Kotwali, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Sri Rajeev Kumar, Advocate

For the Opposite Party/s : Sri Satyendra Narayan Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 27-06-2018 Heard Sri Pawan Kumar, learned counsel, assisted
by Sri Rajeev Kumar, learned counsel for the petitioner and
Sri Satyendra Narayan Singh, 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 Kotwali P.S. Case
No. 701 of 2017, registered for the offence under Section
30(a)/ 32(3)/ 37(a)(b)(d)/ 38(1)(2)/ 56(e) 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, it has been argued by learned



counsel for the petitioner that nothing was recovered from conscious possession of the petitioner. He submits that in this case petitioner has been made accused only on the basis of confessional statement of co-accused from whose possession four bottles containing 180 ML each of foreign liquor was shown to be recovered. It has been reiterated that save and except confessional statement of co-accused, there is no other cogent material to connect the petitioner in the present case

Sri Satyendra Narayan Singh, learned Additional Public Prosecutor has opposed the prayer for grant of anticipatory bail, however, he was not in a position to dispute the fact that petitioner has been made accused on the basis of confessional statement of co-accused made before Police.

In view of the fact that petitioner is having clean antecedent and the fact that he was made accused on the basis of confessional statement of co-accused, there is no reason to refuse the prayer for grant of anticipatory bail to the petitioner.

Accordingly, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner Baijnath Prasad @ Dhodha 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



Special Judge, Excise, Patna / concerned court in connection
with Kotwali P.S. Case No. 701 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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