

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37565 of 2018

Arising Out of PS. Case No.-47 Year-2018 Thana- NOKHA District- Rohtas

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1. Mustaque Ansari, son of Late Ishu Ansari, Resident of Mohalla - Ward No. 2, P.S. - Nokha, District - Rohtas.
 2. Manoj Kumar Rai alias Manoj Singh, son of Naresh Rai R/o Mohalla - Kurm Tola, Ward No. 5, P.S. - Nokha, Distt - Rohtas.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Sudama Singh, Adv.
		Mr. Surendra Kumar Mishra, Adv.
For the Opposite Party/s	:	Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 25-07-2018 Heard Sri Sudama Singh, learned counsel , assisted by Sri Surendra Kumar Mishra, learned counsel for the petitioners and learned Addl. Public Prosecutor.

Two petitioners, apprehending their arrest in Nokha P.S. Case No.47 of 2018 registered for the offence under Sections 30(k), 37(g) of the Bihar Prohibition and Excise Act,2016, have prayed for grant of bail, in the event of their arrest or surrender.

Learned counsel for the petitioners, at the very outset, has drawn my attention to the statement made in paragraph-3 of the petition to show that petitioner no.1 is having clean antecedent. So far as petitioner no.2 is concerned, it was argued that after the petitioner was falsely made accused in the present



case, he was made accused in Nokha P.S. Case No.125 of 2018, in which he has already been granted bail subsequently. It has been argued that both petitioners have been arrayed as accused only on the basis of confessional statement of co-accused, whereas from conscious possession of petitioners, nothing was recovered.

Considering the nature of accusation as well as the fact that petitioners have been arrayed as accused on the basis of confessional statement of co-accused, let both the petitioners, namely, (i) Mustaque Ansari (ii) Manoj Kumar Rai @ Manoj Singh, in the event of their arrest or surrender within six weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Addl. District and Sessions Judge-cum- Excise, Rohtas at Sasaram in connection with Nokha P.S. Case No.47 of 2018, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J.)

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