

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34204 of 2018

Arising Out of PS. Case No.-57 Year-2018 Thana- KUTUMBA District- Aurangabad

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1. Sanjay Chandravanshi @ Sanjay Singh, S/o Raghunandan Chandravanshi, R/o Village- Kanchanpur, P.S.- Kutumba, District- Aurangabad.
 2. Ramadhar Sao, S/o Suresh Sao, R/o Village- Sikariya, P.S.- Kutumba, District- Aurangabad.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 14-06-2018 Heard Sri Abhishek Kumar Singh, learned counsel
for the petitioners and learned Addl. Public Prosecutor.

Two petitioners, apprehending their arrest in Kutumba P.S. Case No.57 of 2018 registered for the offence under Sections 37(a)/38(ii) of the Bihar Prohibition and Excise Act, 2016, have prayed for grant of bail, in the event of 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 both petitioners are having clean antecedent. It has also been argued that either from the conscious possession or from the field of the petitioners, nothing was recovered, rather in the case, from an open field, not belonging to the petitioners, about 29.1 liters of country-made liquor was shown to be recovered and on suspicion, one Pramod



Sao was arrested. It has been argued that before the police, Pramod Sao had disclosed the name of both the petitioners and, thereafter, petitioners have been arrayed as accused in the present case. It has been argued that save and except confessional statement of co-accused, there is no other material to connect the petitioners.

In view of the facts and circumstances, particularly the fact that the petitioners' name has come on the basis of confessional statement of co-accused, there is no reason to deny the prayer for extending the privilege of anticipatory bail. Accordingly, in the event of arrest or surrender within a period of six weeks from today, let both the petitioners, namely, (i) Sanjay Chandravanshi @ Sanjay Singh (ii) Ramadhar Sao, 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 Addl. Sessions Judge-VII-cum- Special Judge(Excise), Aurangabad, in connection with Kutumba P.S. Case No.57 of 2018, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

nawalkrs/-

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