

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37218 of 2018

Arising Out of PS. Case No.-127 Year-2017 Thana- BISHWAMBHARPUR District-
Gopalganj

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Bipul Rai alias Bipul Ray, Son of Birbali Rai , resident of village - Ishar
Patti, P.S. - Bishwambharpur, District- Gopalganj , (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Sri Indrajeet Bhushan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 29-06-2018 Heard Sri Indrajeet Bhushan, learned counsel for the
petitioner and learned Additional Public Prosecutor.

The sole petitioner, apprehending his arrest in
connection with Bishwambharpur P.S. Case No. 127 of 2017,
G.R. No. 4381 of 2017 , registered for the offence under
Section 414 of the Indian Penal Code, 1860 and Section
30(a)/37(b) of the Bihar Prohibition and Excise Act, 2016, has
prayed for grant of bail in the event of his arrest or surrender.

Learned counsel for the petitioner by way of placing
F.I.R. submits that petitioner has been made accused on the
basis of confessional statement of co-accused. He submits that it
appears that Police Officer due to grudge himself has put some



words into the mouth of the person who was arrested and from whose possession there was recovery of 4.38 liters of foreign liquor. He submits that except confessional statement of co – accused, there is no other material to connect the petitioner in the present case.

Learned Additional Public Prosecutor opposed the prayer and he, by way of drawing my attention to the statement made in paragraph no. 3 of the petition, submits that petitioner was earlier also made accused in a case, however, on going through the statement made in paragraph no. 3 of the petition it appears that petitioner was made accused not in relation to offence under the Excise Act.

Be that as it may, considering the fact that petitioner's name has come only on the basis of confessional statement of co -accused, in the event of his arrest or surrender within a period of six weeks from today, let petitioner Bipul Rai alias Bipul Ray 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 IInd Additional Sessions Judge Cum Special Judge, Gopalganj/ concerned court below in connection with Bishwambharpur P.S. Case No. 127 of 2017, G.R. No. 4381 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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