

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36568 of 2018

Arising Out of PS. Case No.-32 Year-2018 Thana- CHARIABARIYARPUR District-
Begusarai

Chhotu Yadav @ Chhotu Kumar S/o Rambalak Yadav, R/o Vill.- Sihma, P.S.-
Bithan, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.
For the Opposite Party/s : Mr. Md. Ansarul Haque, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 29-06-2018 Heard Sri Sandip Kumar Gautam, learned counsel for
the petitioner and Mr.Md. Ansarul Haque, learned Addl. Public
Prosecutor.

The sole petitioner, having clean antecedent, which
fact has been stated in paragraph-3 of the petition, apprehending
his arrest in Cheriya Bariyarpur P.S. Case No.32 of 2018
registered for the offence under Section 290 of the Indian Penal
Code and 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.

Learned counsel for the petitioner submits that in this
case, save and except confessional statement of co-accused,
there is no other material to connect the petitioner. He submits



that in this case, a driver with pick-up van was apprehended and from the said pick-up van, huge quantity of Indian Make Foreign Liquor was recovered and, thereafter, the driver confessed, as if, the said vehicle was hired by this petitioner and he also disclosed the name of owner of the vehicle i.e. Shambhu Paswan. It has been reiterated that save and except confessional statement of co-accused, there is no other material to connect the petitioner in the present case.

Considering the fact that petitioner is having clean antecedent as well as fact that he has been made accused only on the basis of confessional statement of co-accused, in the event of his arrest or surrender within six weeks from today, let the petitioner, namely, Chhotu Yadav @ Chhotu Kumar be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Cheriya Bariyarpur P.S. Case No.32 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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