

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35726 of 2018

Arising Out of PS. Case No.-81 Year-2017 Thana- NADI P.S. District- Patna

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1. Chamcham Kumar @ Chamcham Mahto, Son of Sri Ram Babu Sahni @ Ram Babu Mahto
 2. Ram Babu Sahni @ Ram Babu Mahto, Son of late - Raja Mahto both resident of village - Gulamhiya Chak, P.S. - Nadi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Sri Amit Kumar Anand, Advocate
		Sri Kumar Manglam, Advocate
For the Opposite Party/s	:	Sri Ashok Kumar Singh , A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 28-06-2018 Heard Sri Amit Kumar Anand, learned counsel, assisted by Sri Kumar Manglam, learned counsel for the petitioners and Sri Ashok Kumar Singh, learned Additional Public Prosecutor.

Two petitioners, having clean antecedent, which fact has been stated in paragraph no. 3 of the petition, apprehending their arrest in connection with Special Excise Case No. 6581 of 2017 arising out of Nadi P.S. Case No. 81 of 2017 , registered for the offence under Section 30(A) of the Bihar Prohibition & Excise Act, 2016 , have prayed for grant of bail in the event of their arrest or surrender.

Learned counsel for the petitioners has argued that



save and except confessional statement of the co-accused, there is no other material to connect the petitioners in the present case. He submits that in this case one person namely Chotan Kumar was apprehended by Police and from his possession about 12 liters of country made liquor was recovered and thereafter, he disclosed before Police that petitioners have concealed liquor near the railway track and from railway track about 28 liters of country made liquor was recovered. It has been argued that only on the basis of confessional statement of co-accused petitioners have been made accused.

Learned Additional Public Prosecutor has opposed the prayer for grant of anticipatory bail, but he was not in a position to dispute the fact that save and except confessional statement, there is no other corroborative material against the petitioners.

In view of the facts and circumstances particularly the fact that petitioners are having clean antecedent and the fact that they have been made accused on the basis of confessional statement of co-accused that too before Police, in the event of their arrest or surrender within a period of six weeks from today, let petitioners: (1) Chamcham Kumar @ Chamcham Mahto and (2) Ram Babu Sahni @ Ram Babu Mahto be enlarged on bail on furnishing bail bonds of Rs. 10,000/-



(rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna / concerned court in connection with Special Excise Case No. 6581 of 2017 arising out of Nadi P.S. Case No. 81 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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