

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33807 of 2018

Arising Out of PS. Case No.-205 Year-2017 Thana- MALSALAMI District- Patna

Chandan Kumar , son of Sri Rai, resident of Vill.- Sharifaganj, P.S.-
Malsalami, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Yogendra Prasad Sinha, Adv.

For the Opposite Party/s : Mr. None.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 27-06-2018 Heard Sri Yogendra Prasad Sinha, learned counsel for
the petitioner . None appeared on behalf of the State.

The sole petitioner, apprehending his arrest in
Malsalami P.S. Case No.205 of 2017 registered for the offence
under Sections 272/273 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, at the very outset,
has drawn my attention to the statement made in paragraph-3 of
the petition to show that it is true that the petitioner was earlier
made accused in a case, but it was not in relation to offence
under the Excise Act. He further submits that in the case ,
nothing was recovered either from the conscious possession of
the petitioner or his premises, but in this case, recovery was



affected from the possession of one Ramdayal Rai and on the basis of his confessional statement made before the police, the petitioner has been made accused . It has been argued that save and except confessional statement of co-accused, there is no other cogent material to connect the petitioner.

In view of facts and circumstances, particularly the fact that the petitioner has been made accused only on the basis of confessional statement of co-accused, there is no reason to refuse the prayer for anticipatory bail to the petitioner.

Accordingly, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner, namely, Chandan 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 Special Judge, Excise Act, Patna in connection with Malsalami P.S. Case No.205 of 2017, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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