

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21923 of 2018

Arising Out of PS.Case No. -5 Year- 2018 Thana -JAYNAGAR District- MADHUBANI

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Raja Kumar S/o Heera Purvey, R/o Village- Purani Chauk, P.S.- Rosara,
District- Samastipur, At present Laxmi sagar, Kabir Chauk, P.S.-
University, Darbhanga (University), District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Md. Arif

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 17-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Jainagar P.S. Case No.
05 of 2018 registered under Sections 272 and 273 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

770 bottles each containing 300 ML of Nepali wine
is said to have been recovered from the possession of Naresh Giri
who disclosed the name of the petitioner as his accomplice
involved in the occurrence. Thereafter the petitioner was
apprehended and he also confessed his guilt in the occurrence.

It is submitted by learned counsel for the petitioner



that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or with the place of recovery. He was not apprehended on the spot. He has been falsely implicated in the case at the instance of Naresh Giri. Confessional statement of the petitioner recorded before the police has no evidentiary value in the eye of law. He has no criminal antecedent. He has been languishing in custody since 13.01.2018.

Considering the facts aforesaid, the above named petitioner is directed to 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 the learned Addl. District and Sessions Judge-II cum Special Judge, Excise Act, Madhubani in connection with Jainagar P.S. Case No. 05 of 2018.

(Prakash Chandra Jaiswal, J)

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