

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 62709 of 2018

Arising Out of PS. Case No.-537 Year-2018 Thana- Barachatti District- Gaya

Deepak Kumar Yadav @ Chhotu Kumar Yadav S/o Prakash Yadav @ Pragash
Yadav, Resident of Village- Siriyama, P.S.- Mohanpur, Distt.- Gaya.
... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 08-10-2018 Heard Sri Sanjay Kumar Sharma, learned counsel for
the petitioner and Sri Ashok Kumar Singh, learned Addl. Public
Prosecutor.

The sole petitioner, apprehending his arrest in
Barachhatti (Mohanpur) P.S. Case No. 537 of 2018 (G.R.No.
1692 of 2018) registered for offence under Sections 30(a)/30(d)
of Bihar Prohibition and Excise Act, 2016, has prayed for grant
of bail in the event of his arrest or surrender.

At the very outset, learned counsel for the petitioner
has drawn my attention to statement made in paragraph – 3 of
the petition to show that petitioner is having clean antecedent.
He further, by way of referring to F.I.R., submits that the
petitioner has been arrayed as accused on the basis of confession
made by one of the co-accused, who was apprehended by the
police with a 3-wheeler loaded with three bags containing 50
kg. each of *mahua* flower. 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. Learned counsel for the petitioner has also drawn my attention to statement made in paragraph – 6 of the petition to show that petitioner was not having any connection either with the seized vehicle or recovered *mahua* flowers.

In view of facts and circumstances, particularly the fact that petitioner's name has come on the basis of disclosure/confession made by co-accused as well as clean antecedent, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Deepak Kumar Yadav @ Chhotu Kumar Yadav 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), Gaya in connection with Barachhatti (Mohanpur) P.S. Case No. 537 of 2018 (G.R. No. 1692 of 2018), subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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