

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 32978 of 2018

Arising Out of PS. Case No.-55 Year-2018 Thana- Rosera District- Samastipur

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Gopal Singh @ Baba @ Aditya Kumar Singh S/o Hardev Narain Singh, R/o
Vill.- Sahiyar Deeh, P.S.- Rosera , District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan

For the Opposite Party/s : Mr. Kumar Virendra Narayan

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 13-06-2018 Heard Sri Rajeev Ranjan, learned counsel for the
petitioner and Sri Kumar Virendra Narayan, learned Addl.
Public Prosecutor.

The sole petitioner, apprehending his arrest in Rosera
P.S. Case No. 55 of 2018 (G.R. No. 141 of 2018) registered for
offence under Sections 30(a)(d), 47, 38 of the 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. It
has been argued that save and except confessional statement of
the co-accused, there is no other material to connect the
petitioner with the present case. He submits that the owner of



the vehicle namely Mukesh Kumar Singh was apprehended, while huge quantity of Indian make foreign liquor was being unloaded from a *Bollero* vehicle. It has been argued that owner of the vehicle, who was arrested, has confessed and disclosed the name of petitioner, as if, petitioner had fled away. It has been argued that except confessional statement, there is no material against the petitioner.

Sri Kumar Virendra Narayan, learned Addl. Public Prosecutor has vehemently opposed the prayer for grant of bail, on the ground that in this case, huge recovery to the tune of more than 676 liters of foreign liquor has been affected and as such, a prayer has been made to reject the prayer for bail.

Besides hearing learned counsel for the parties, I have also perused the material on record. Fact remains that petitioner's name has come only in the confessional statement of co-accused and petitioner is also having clean antecedent. Accordingly, there is no reason to refuse the prayer for grant of anticipatory bail.

In the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Gopal Singh @ Baba @ Aditya Kumar Singh 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 A.D.J.-III-cum-Special Judge, Excise, Samastipur, District - Samastipur in connection with Rosera P.S. Case No. 55 of 2018 (G.R. No. 141 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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