

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34310 of 2018

Arising Out of PS. Case No.-87 Year-2018 Thana- BARAULI District- Gopalganj

Birbal Yadav, S/o Ambika Choudhary, Resident of Village- Mirzapur, P.S.-
Barauli, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Harendra Prasad

For the Opposite Party/s : Sri Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 27-06-2018 Heard Sri Harendra Prasad, learned counsel for the
petitioner and Sri Damodar Prasad Tiwary, learned Additional
Public Prosecutor.

The sole petitioner, having clean antecedent, which fact has been stated in paragraph no. 3 of the petition, apprehending his arrest in connection with Barauli P.S. Case No. 87 of 2018, registered for the offence under 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 submits that in this case nothing was recovered from possession of the petitioner. In the case recovery was affected from the side of the road and one of the accused was apprehended and petitioner has been made accused on the basis confessional statement made by the



co-accused. It has been emphasized that save and except confessional statement of co- accused, there is no other cogent material to connect the petitioner in the present case.

Learned Additional Public Prosecutor has vehemently opposed the prayer for grant of anticipatory bail. However, he was not in a position to dispute the fact that petitioner's name has come only in confessional statement of co -accused.

In view of the facts and circumstances particularly the fact that petitioner has been made accused on the basis of confessional statement made before Police by co- accused as well as clean antecedent of the petitioner, in the event of his arrest or surrender within a period of six weeks from today, let petitioner Birbal Yadav be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge – II- cum- Special Judge, Excise Act, Gopalganj / concerned court in connection with Barauli P.S. Case No. 87 of 2018 subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure, 1973.

praful/-

(Rakesh Kumar, J)

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