

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 23068 of 2018

Arising Out of PS. Case No.-412 Year-2017 Thana- Udwant Nagar District- Bhojpur

Kush Kumar Singh son of Ramji Singh Resident of Village - Sundarpur
Kudia, P.S. - Ara Muffasil, District Bhojpur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 23-04-2018 Heard Sri Prabhat Kumar Singh, learned counsel for
the petitioner and Sri Ashok Kumar, learned Addl. Public
Prosecutor.

The sole petitioner, apprehending his arrest in Excise Case No. 5987 of 2017, arising out of Udwant Nagar P.S. Case No. 412 of 2017 registered for 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, particularly on the ground that petitioner's name has come only in confessional statement of co-accused, who was none else but own brother of the petitioner.

Learned counsel for the petitioner submits that ofcourse, brother of the petitioner (Lav Kumar Singh) alongwith other two persons were apprehended on a truck loaded with



huge quantity of Indian make foreign liquor, but fact remains that petitioner was not having any connection with the same. He further submits that due to family dispute, his brother has intentionally implicated this petitioner and his wife.

Learned Addl. Public Prosecutor has opposed the prayer for bail, on the plea that in the case, huge quantity of indian make foreign liquor was recovered, firstly from a truck and thereafter, a raid was conducted in the house of the petitioner, from where also about 17 liter of indian make foreign liquor was recovered.

In reply, learned counsel for the petitioner submits that the house, from where liquor was recovered, was also in possession of Lav Kumar Singh, main accused and it was joint house. However, the petitioner was neither having any knowledge about concealment of such liquor nor he was having any connection with the same. He further, by way of referring to statement made in paragraph – 3 of the petition, submits that petitioner is not involved in any criminal case and his antecedent is clean.

Considering the clean antecedent of the petitioner as well as the fact that he has been made accused on the basis of confessional statement of co-accused, there is no reason to



refuse the prayer for anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Kush 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 4th Addl. District & Sessions Judge, Bhojpur at Ara in connection with Excise Case No. 5987 of 2017, arising out of Udwant Nagar P.S. Case No. 412 of 2017, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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