

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21162 of 2018

Arising Out of PS. Case No.-126 Year-2016 Thana- BOCHHA District- Muzaffarpur

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Sachidanand Rai @ Sachidanand Kumar, S/o Sri Sambhu Rai, Resident of
village- Maal Madhuaha, P.S. Rajepur, District- East Champaran

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rama Kant Singh, Advocate
For the Opposite Party : Mr. Akshay Lal Pandit (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 27-04-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner apprehends his arrest in connection
with Bochahan P.S. Case No. 126 of 2016, registered for the
offences punishable under Sections 47, 47(a), 48(ii), 51, 53 of
Bihar Prohibition and Excise Act, 2016 and Sections 272, 273
and 290 of the Indian Penal Code.

Allegedly, co-accused Hari Narayan Rai was
caught. He in his confessional statement stated the name of the
petitioner also thereafter from Bolero vehicle 54 bottles of
Royal Stag English wine each of 01 liter was recovered.

Submission is of false implication and that nothing
has been recovered from conscious possession of the petitioner.
Confessional statement of co-accused made before the police
has got no evidentiary value in the eye of law, due to enmity that



co-accused has named the petitioner. The alleged search and seizure are not in accordance with law and in this case similarly situated co-accused Arvind Kumar has been allowed pre-arrest bail vide Cr. Misc. No. 37600 of 2017 by order dated 01.09.2017 by another co-ordinate bench of this court and, as such, the petitioner deserves sympathetic consideration as he has got no criminal antecedent.

The learned A.P.P. fairly submits that similarly situated co-accused Arvind Kumar has been allowed pre-arrest bail.

In the facts and circumstances as stated above, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released 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, Muzaffarpur, in connection with Bochahan P.S. Case No. 126 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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