

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32776 of 2018

Arising Out of PS. Case No.-632 Year-2017 Thana- BARBIGHA District- Sheikhpura

Bijay Malakar @ Bijay Kumar Malakar, son of Jagdish Malakar, resident of
Mohalla- Sangatpur (Chotki Sangatpur), P.S.- Barbigha , Distt.- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Himanshu Kumar Akela, Advocate
For the Opposite Party/s : Sri Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 13-06-2018 Heard Sri Himanshu Kumar Akela, learned counsel
for the petitioner and Sri Damodar Prasad Tiwary, learned
Additional Public Prosecutor.

The sole petitioner, apprehending his arrest in connection with Barbigha P.S. Case No. 632 of 2017 (arising out of Excise Case No. 841 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.

At the very outset , it was submitted by learned counsel for the petitioner that save and except confessional statement of co-accused from whose possession Indian make foreign liquor was recovered, there is no other material to connect the petitioner in the present case. It has been argued that



on the same day petitioner besides the present case was made accused in other two cases on similar material.

Considering the fact that save and except confessional statement of co-accused there is no other cogent material against the petitioner, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner : Bijay Malakar @ Bijay Kumar Malakar 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 1st Addl. District and Session's Judge, Sheikhpura / concerned court in connection with Excise Case No. 841 of 2017 (arising out of Barbigha P.S. Case No. 632 of 2017) subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

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