

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74918 of 2018

Arising Out of PS. Case No.-791 Year-2018 Thana- PHULWARISHARIF District- Patna

Banti Kumar, Son of Navab Lal Ray, Resident of Village- Harinichak Mahuli
Tola, Police Station -Phulwarisharif, District-Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Adv.

For the Opposite Party/s : Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 31-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 30.09.2018 in a case registered for the offence punishable under Sections 30(a) and 38 of the Bihar Prohibition and Excise, Act, 2016.

It is alleged that on the basis of the confessional statement of the petitioner within territorial jurisdiction of Gardanibagh Police Station, 47 cartoons of foreign liquor were recovered from the area behind the Aman Nursing Home. For the said recovery a separate case, being Gardanibagh Case



No.442 of 2018, was registered, in which the petitioner has been granted bail vide order dated 15.01.2019, passed in Criminal Miscellaneous No. 80538 of 2018. The said recovery was made on the confessional statement of the apprehended co-accused.

It is submitted by learned counsel for the petitioner that confessional statement before the police has no evidential value in the eye of law and other co-accused persons have been granted bail vide Criminal Miscellaneous No. 74305 of 2018. The investigation has already been concluded. Moreover, the petitioner is not having any criminal antecedent, except Gardanibagh P.S. Case No.442 of 2018, which has been registered separately for the said recovery, in which the petitioner has been granted bail.

Learned APP for the State submits that the recovery of illegal liquor has been made on the basis of the confessional statement of the petitioner.

Considering the fact that the accusation does not suggest recovery from the conscious physical possession of the petitioner and the investigation has already been concluded, let the above named petitioner 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, Patna, in connection with Phulwarisharif P.S. Case No.
791 of 2018.

(Dinesh Kumar Singh, J)

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