

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47706 of 2019

Arising Out of PS. Case No.-18 Year-2018 Thana- SAHEBPUR KAMAL District- Begusarai

CHHOTE SINGH @ CHHOTAN @ ARUN KUMAR Son of Indradeo Singh
Resident of village Inyar, P.S.- Mufassil (Lakho O.P.). Dist.- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Singh

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 31-07-2019 Heard learned counsel for the parties.

Petitioner is apprehending his arrest in connection with
Sahebpur Kamal P.S.Case No.18 of 2018 dated 27.1.2018 ,
registered for offences punishable under Sections 30(a), 32, 27,
41(1) of the Bihar Prohibition and Excise Amendment Act,
2016..

Allegation against the petitioner as per FIR is that when
the police was trying to intercept a truck, it tried to flee and
met with a accident, the driver fled away and one person died
in the accident. It further appears that more than 3000 ltr. of
liquor has been recovered from the truck. It further shows that
two persons were arrested and out of them one Baudhu Kumar
has admitted that the liquor is of him and thereafter in the



confessional statement of the co-accused Baudhu Kumar, name of the petitioner and several other persons transpired. Impugned order also disclosed that the petitioner has been named on the basis of confessional statement.

Submission of the learned counsel for the petitioner is that he is neither the driver nor the owner of the truck, nor the articles is of the petitioner, he has been named by Baudhu Kumar, who has stated before the police that the articles is of him and considering the same, other two accused persons have been granted privilege of anticipatory bail by Co-ordinate Benches of this Court, vide order dated 11.7.2018 passed in Cr. Misc. No.39436 of 2018, order dated 15.5.2018 passed in Cr. Misc. No.30212 of 2018 and order dated 3.5.2018 passed in Cr. Misc. No.27234 of 2018.

Heard learned A.P.P. also.

Having heard both sides and considering the facts as there is no other incriminating materials against the petitioner except that he has been named in the case on the basis of confessional statement, let the petitioner, above named, in the event of arrest or surrender before the learned court below, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty



Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II cum Special Judge, Excise Act, Begusarai in connection with G.R.No.323 of 2018 arising out of Sahebpur Kamal P.S.Case No.18 of 2018 dated 27.1.2018, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the above direction, this application is allowed.

(Vinod Kumar Sinha, J)

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