

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83006 of 2019

Arising Out of PS. Case No.-95 Year-2019 Thana- JADOPUR District- Gopalganj

Deba Mushar, son of Vishundev Mushar, resident of Village - Karariya, P.S-
Gopalganj Town, District – Gopalganj. Petitioner.

Versus

The State of Bihar. Opposite Party.

Appearance :

For the Petitioner/s : Ms. Sanjana

For the Opposite Party/s : Mr. Amarendra Prasad

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 16-12-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 414/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

8.4 liters of country made liquor is said to have been recovered from the bag kept on the motorcycle and one Sanjeet Singh was apprehended while another accused managed to escape. The said Sanjeet Singh disclosed the name of the petitioner as his fleeing accomplice.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or the motorcycle in



question. There is nothing cogent on record indicating the complicity of the petitioner in the occurrence barring the confessional statement of Sanjeet Singh made before the police due to animosity which has no evidentiary value in the eye of law. There is violation of Section 100 Cr.P.C. No offence under Excise Act has been made out against the petitioner. He has no criminal antecedent.

Learned APP for the State opposed the bail petition.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge Excise Act, Gopalganj in connection with Yadavpur P.S. Case No. 95 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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