

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4677 of 2021

Arising Out of PS. Case No.-280 Year-2019 Thana- RAJAOLI District- Nawada

Vishwanath Sah Son of Late Ramchandra Sah Resident of Village- Purani
Bazar Mahammadpur Balmi, P.S.- Motipur, Distt- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

.. ... Opposite Party

Appearance :

For the Petitioner	:	Mr. Bindhyachal Singh, Sr. Adv. Mr. Vipin Kumar Singh, Adv.
For the Opposite Party	:	Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 08-09-2021 Heard Mr. Bindhyachal Singh, learned senior counsel
for the petitioner and Mr. Nand Kumar, learned Additional
Public Prosecutor for the State.

The petitioner has renewed his prayer for bail in connection with Rajauli P.S. Case No. 280 of 2019 registered on 07.08.2019 under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. His prayer for bail was earlier rejected by this Court vide order dated 20.08.2020 passed in Cr.Misc. No. 21968 of 2020.

It is submitted by learned counsel for the petitioner that the alleged recovery of 4400 litres of spirit from the truck cannot be attributed to the petitioner as he is neither the owner of the truck nor the driver of the truck nor he was present at the place of occurrence when the spirit was seized. He contended



that by now the petitioner has remained in custody for about 18 months and there is no likelihood of the trial to be held in near future. He contended that the implication of the petitioner in the instant case is on the basis of confessional statement of the driver of the vehicle. According to him, the confessional statement made before the police would not be admissible under Section 25 of the Evidence Act.

Learned counsel for the State has opposed the prayer for bail of the petitioner. He contended that the petitioner has been made accused in many other cases of similar nature.

Be that as it may, considering the nature of offence and the period of about 18 months undergone by the petitioner in custody, he is directed to be released 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 the learned 2nd Additional Sessions Judge-cum-Special Judge, Nawada in connection with Rajauli P.S. Case No. 280 of 2019.

(Ashwani Kumar Singh, J)

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