

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17978 of 2021

Arising Out of PS. Case No.-167 Year-2020 Thana- BIBHUTIPUR District- Samastipur

SHIVAM MISHRA @ SHIVAM KUMAR @ SHIVAM KUMAR RAI @
SHIVENDRA KUMAR ROY S/o Anjir Mishra @ Anjir Rai R/o Village-
Chakhabib Lanka Chowk, P.S.- Vibhutipur, Dist- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sadhna Suman, Advocate
Mr. Bijay Bhushan Prasad, Advocate
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 10-01-2022 Heard Ms. Sadhna Suman, learned Advocate
for the petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Vibhutipur P.S. Case No. 167 of 2020 dated 27.06.2020 instituted for the offences under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

Though a huge quantity of liquor is said to have been recovered but the implication of the petitioner in this case is only on the basis of confession made by an arrested accused person *viz.* Kamlesh Kumar Mahto.

The petitioner has clean antecedents.

Learned counsel for the petitioner has



submitted that confession of an arrested accused person is no evidence in the eyes of law.

It has further been submitted that the offence under the Excise Act, therefore, cannot at all be said to have been made out against the petitioner as his implication is merely based on the confession of an arrested accused person.

Regard being had to the clean antecedent of the petitioner and aforestated facts noted above, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-Iind-cum-Special Judge, Excise, Samastipur in connection with Vibhutipur P.S. Case No. 167 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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