

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59031 of 2021

Arising Out of PS. Case No.-208 Year-2021 Thana- FATUA District- Patna

1. Ajeet Kumar @ Pappu Son Of Late Vinod Prasad Resident Of Village - Bankipore Gorakh, Ganjpar, P.S. - Fatuha, District - Patna.
2. Chitranjan Kumar Son Of Yogendra Prasad @ Yogendra Singh Resident Of Village - Rasalpur, P.S. - Fatuha, District – Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

WITH

CRIMINAL MISCELLANEOUS No. 60493 of 2021

Arising Out of PS. Case No.-208 Year-2021 Thana- FATUA District- Patna

Ramendra Sharma @ Tiwary S/O- Ram Keshav Sharma Resident of Mohalla-98, Mahagoli, District- Agra, (Utter Pradesh)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 59031 of 2021)

For the Petitioner/s : Mr. Sanjay Singh, Sr. Advocate
Mr. Vijay Anand, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

(In CRIMINAL MISCELLANEOUS No. 60493 of 2021)

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

5 21-04-2022 Criminal Miscellaneous No.59031 of 2021 has been

filed by applicants/accused, namely, Ajeet Kumar @ Pappu and

Chitranjan Kumar, whereas Criminal Miscellaneous No.60493



of 2021 has been filed by applicant Ramendra Sharma @ Tiwary. They are accused in Special Case No.1958 of 2021, arising out of Fatuha P.S. Case No.208 of 2021, registered for the offences punishable under Sections 30(a)/56(c) of the Bihar Prohibition and Excise Act. They are seeking bail after conclusion of the investigation and filing of the charge sheet.

Heard the learned Senior Counsel appearing for the applicants/accused in both the cases. He submits that this is a case of no evidence against the applicants. The applicants were not named in the FIR and though the confession of the arrested accused is not admissible, even in that confession the applicants are not named.

The learned Additional Public Prosecutor submits that the applicants are arraigned as accused on the basis of confessional statement of the co-accused.

I have considered the submissions so advanced and also perused the materials placed before me.

According to the prosecution case, the excise department has conducted raid on Old Nalanda Factory and found 490 cartons of Indian Made Foreign Liquor of Imperial Blue Brand, one bottle all season brand apart from other articles. From the spot of the incident, accused named Sunny



Kumar came to be arrested. Subsequently, he made confessional statement. Whether such confession is admissible or not in evidence is a subject matter of trial.

The investigation of the subject crime is over. Apart from the confessional statement of the co-accused, so far as the present applicants are concerned, no evidence is pointed out by the prosecution.

In this view of the matter, after conclusion of the investigation further pretrial detention is not warranted and, therefore, the order :-

- i. The application is allowed.
- ii. The applicants/accused in Special Case No.1958 of 2021, arising out of Fatuha P.S. Case No.208 of 2021, be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of the trial court with the following conditions: -

(I) The applicants/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicants/accused should cooperate the



trial court in expeditious disposal of the trial against him.

(III) The applicants/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicants should not repeat commission of similar offence in future and if they are found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicants in the instant case.

The applicants to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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