

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41099 of 2023

Arising Out of PS. Case No.-235 Year-2023 Thana- BEUR District- Patna

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Nippu Ji @ Prem Kumar Son Of Ram Nivas Sharma Nadwan, Ps- Dhanarua,
District- Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Direndra Prasad Sinha, Adv.
	:	Ms. Rina Sinha, Adv.
For the Opposite Party/s	:	Mr. Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-07-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in a case registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act.

3. As per the prosecution, the total recovery of 550 liter desi wine is subject to recovery in the present case.

4. Counsel for the petitioner submits that petitioner is neither apprehended from the place of occurrence nor anything has been recovered from his possession. He submits that petitioner's name has figured in this case by virtue of confessional statement of the arrested co-accused.

5. Counsel further submits that in the case of Tofan

Singh Vs. the State of Tamil Nadu reported in AIR 2020 SC 5592 in which the confessional statement of co-accused in police custody has no evidentiary value.

6. Counsel further submits that in the light of the allegation made against the petitioner which is actually under Excise Act is not made out. Counsel also submits that antecedent of the petitioner is clean.

7. Learned APP for the State opposes the prayer for bail and submits that

8. In the present facts and circumstances, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond to the satisfaction of the learned Special Judge Excise Act, Patna in connection with Beur P. S. Case No.235 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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