

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41098 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- MADHUBANI TOWN District-
Madhubani

=====

Rahul Kumar Son Of Ram Vilas Sah Resident Of Village- Suratganj, Ward
18, Mahila College Road, Madhubani Ps- Madhubani Town, Distt-
Madhubani, Bihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vikas Kumar Jha, Adv.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

=====

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, 2018.

3. Counsel for the petitioner submits that the total
recovery of 217 liter liquor has been made from the vehicle
whose details are described in the F.I.R..

4. Counsel submits that petitioner has neither been
apprehended from the place of occurrence nor anything
recovered from his possession. He submits that petitioner's
name has figured in this case by virtue of confessional statement
of the 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. Learned APP for the State opposes the prayer for bail.

7. 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 Addl. Sessions Judge-II -cum- Special Judge, Excise Act, Madhubani in connection with G.R. No. 26/23 arising out of Madhubani Town P. S. Case No.02 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

prakashmani/-

U		T	
---	--	---	--