

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41380 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- MEHANDIGANJ District- Patna

Bhola Kumar @ Ayush Kumar Son Of Raju Gope Resident Of Village-
Ranipur, Rashulpur, Patna City, Ps- Mehandiganj, Distt- Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv.

For the Opposite Party/s : Mr. Ramesh Chandra, 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 Act.

3. As per the prosecution, the total recovery of 50 liter country-made wine is subject to recovery in the present case.

4. Counsel for the petitioner submits that neither anything has been recovered from the possession of the petitioner nor he was apprehended from the place of occurrence. He submits that the name of the petitioner has been figured in this case by virtue of disclosure of the arrested accused person, namely, Golu Kumar.

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 antecedent of the petitioner is clean.

7. Learned APP for the State opposes the prayer for bail.

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, Patna City in connection with Mehandiganj P. S. Case No.08 of 2023 (Special Case No. 843 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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