

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47096 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- TAJPUR District- Samastipur

Rupak Kumar Son Of Naresh Mahto @ Naresh Kumar Mahto Village
Hasopur, Ps- Khanpur, Dist- Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Kumar

For the Opposite Party/s : Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 120(B), 419, 420, 467, 468 of the I.P.C. and Sections
30(c), 30(d), 30(g), 32, 41 of the Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of two cases and the allegation is
of recovery of 1909 bottles of liquor from the hut of Md. Chand
and Md. Gulshad.

4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and he came to be
implicated based on confessional statement of Md. Chand in



police custody, which does not have any evidentiary value. It is next submitted that it appears that police based on his antecedent implicated him. It is also submitted that alleged recovery is from a place, which does not belong to the petitioner.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.2, Samastipur in connection with Tajpur P. S. Case No.53 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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