

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68950 of 2023

Arising Out of PS. Case No.-111 Year-2023 Thana- CHAPRA RAIL P.S. District- Saran

AJAY KUMAR SINGH @ AJAY SINGH S/O NARAD SINGH R/O
VILLAGE- GONHIA CHAPRA, P.S- BAIRIYA, DISTT.- BALIYA (U.P).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avnish Kumar Singh, Adv.

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-11-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Chapra Rail P.S. Case No. 111/ 2023 dated 25/05/2023
registered for the offence(s) punishable under Section(s) 30(a)
of Bihar Prohibition & Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to
the recovery of 15.75 litres of English wine, which was
admittedly recovered from the conscious possession of co-
accused, Praveen Kumar Shukla, who made confessional
statement before the police after his arrest making allegation
that the seized wine was to be delivered to the petitioner but
except this confessional statement, there is no other evidence to



show this petitioner's involvement in the smuggling of alleged wine hence, the offence of Excise Act does not even prima facie attract against this petitioner.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the fact, that in respect of the petitioner's involvement in the alleged offence, prosecution is mainly relying upon the confessional statement of the co-accused made before the police, who was apprehended with the alleged wine, in my opinion, in the said circumstances, petitioner's prayer for anticipatory bail is fit to be accepted. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Chapra Rail P.S. Case No. 111/ 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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