

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6165 of 2024

Arising Out of PS. Case No.-563 Year-2023 Thana- NAUGACHIA District- Bhagalpur

Bikash Kumar Bharti S/o Girdhari Mandal R/o Village - Milki Tola, P.S. -
Dholbazza, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya

For the Opposite Party/s : Ms.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-02-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 30(a) of
the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and allegation is of
recovery of 162 litres of liquor from a Hut.

4. Learned counsel for the petitioner submits that the
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession. It is next submitted
that on Mohan Kumar was arrested from the place of occurrence
who disclosed the name of the petitioner that the hut belongs to
the petitioner when admittedly the petitioner stays in a brick



house and not in the hut. It is thus submitted that confessional statement in police custody does not have any evidentiary value and the police without investigating the case in its correct perspective mechanically implicated the petitioner when the petitioner admittedly is a person with clean antecedents.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Excise (Naugachia) P.S. Case No. 563 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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