

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54071 of 2018

Arising Out of PS. Case No.-271 Year-2017 Thana- MADHUBANI TOWN District-
Madhubani

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Bikram Kumar Singh @ Bikaram Yadav @ Bikram Kumar Yadav S/o Sri
Bhola Yadav @ Jai Prakash Yadav @ Jai Prakash Bhuwan, resident of
Village- Sagarpur, P.S. Sakri, District- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Meena Singh, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 10-07-2024 The case of the prosecution in connection with

Madhubani Town P.S. Case No.271 of 2017 corresponding to

G.R. No.553 of 2017 under Section 272, 273 I.P.C. and Section

30(a), 36, 41 of the Bihar Prohibition and Excise Act, 2016 is as

follows :

“One Ram Kailash Sahni, ASI of police received a

secret information near Bastu-Bihar that one Tata 407 pick-up

van with two other vehicles were standing by the side of the

road and some cartoons of foreign liquor was being unloaded

and stored in other two vehicles from the said Tata 407 pick-up

van. In order to work out the said information, the said Ram

Kailash Sahni along with police force rushed to the place of

occurrence and found one Tata 407 pick-up van bearing



No.BR06GA-4579 and a Maruti Van bearing No.BR01F-7828 were standing by the side of the road. The raiding party found some packets of foreign liquor in the pick-up van but no cartoon of foreign liquor was found in the Maruti Van, there were few persons by the side of the said two cars but they fled away immediately on seen the police party. Police seized the cartoons of foreign liquors under a seizure list and registered the aforesaid case against the owner and driver of Tata 407 pick-up van and Maruti Van.

2. The petitioner is neither the owner or driver of any of the vehicles, his name allegedly appeared during interrogation of one Gopal Mahaseth who was arrested in connection with Kaluahi P.S. Case No.17 of 2017 under Section 30(a) of Bihar Prohibition and Excise Act, 2016. The learned Special Judge refused to discharge the petitioner on the ground that his name transpired in connection with this case from the statement of another accused arrested in some other case.

3. The learned Special Judge failed to considered that statement of an accused before police is not admissible in evidence, on the basis of statement of an accused a third person cannot be implicated without having any material establishing direct complicity against him.



4. In the instant case, there is no evidence except a statement made by an accused in another case implicating the petitioner in this case.

5. The material against the petitioner being absolutely irrelevant and inadmissible in evidence. Accordingly, the instant Cr. Misc. case is allowed. The order dated 23.07.2018 so far as it relates to the present petitioner is quashed and set aside.

(Bibek Chaudhuri, J)

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