

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4069 of 2024

Arising Out of PS. Case No.-42 Year-2011 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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UMESH SAH @ UMESH KUMAR @ UMESH SAW S/O BAL MUKUND
SAW @ BAL MUKUND SAH R/O VILLAGE - NAYA BAZAR,
LAKHISARAI, P.S. - LAKHISARAI, DISTRICT - LAKHISARAI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabi Bhushan

For the Opposite Party/s : Mr. Nitya Nand Tiwary

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 13-02-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner apprehends his arrest in connection
with Excise P.S. Case No.42C2 of 2011 registered for the
offence punishable under Section 47(a) of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.
4. An allegation is of recovery of 80 litres of liquor
from a Durga temple. It is next submitted that the petitioner was
not apprehended from the spot as such nothing was recovered
from his conscious possession rather he came to be implicated
based on confessional statement of co-accused Sunil Kumar in
police custody. It is next submitted that confessional statement



in police custody does not have any evidentiary value in the eye of law.

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

5. 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 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 Additional District and Sessions Judge-V-cum-Exclusive Special Excise Court No.2, Excise Act, Lakhisarai in connection with Excise P.S. Case No.42C2 of 2011, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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