

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7213 of 2025

Arising Out of PS. Case No.-185 Year-2024 Thana- SUPPI District- Sitamarhi

Ganesh Rai Son of Shyam Kishor Rai Resident of Village- Jamala Mandal,
P.S.- Suppi, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate Ms. Divya Bharti, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 07-02-2025 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Suppi P.S. Case No.185 of 2024 dated 07.10.2024, registered for the offences punishable under Section 317(5) of B.N.S, 2023 and Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2022.

3. As per allegation, 300 liters of Nepali liquor has been recovered from the possession of the co-accused Shailendra Rai and only in his confessional statement, the name of the petitioner has transpired. But nothing has been recovered from the possession of the petitioner.



4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that confessional statement before the police is not admissible. Hence, so-called confessional statement of co-accused Shailendra Rai is not admissible and cannot be used even against the co-accused, who is the petitioner herein, and besides the confessional statement, there is no other material against the petitioner. Hence, there is no legal material at all in support of the allegation against the petitioner. He further submits that liberty of the petitioner cannot be curtailed without any legal basis. As such, no prima facie case is made out and the present anticipatory bail of the petitioner is maintainable.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in eight other cases.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the fact that besides the so-called



confessional statement of co-accused, there is no other legal material against the petitioner and even the confessional statement of the co-accused before the police is not admissible. Hence, the present petition is maintainable. Accordingly, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Excise Court No. 1, Sitamarhi, in connection with Suppi PS. Case No.185 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong,



Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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