

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9664 of 2025

Arising Out of PS. Case No.-1523 Year-2024 Thana- AHIYAPUR District- Muzaffarpur

Arun Rai Son of Subodh Ray Resident of village - Gawaspur, Ps- kathaiya,
Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the State : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Ahiyapur P.S. Case No. 1523 of 2024, dated 06.11.2024, registered for the offences punishable under Sections 30(a) and 41 of the Bihar Prohibition and Excise Act.

3. As per allegation, there is recovery of 5279.4 litre of foreign liquor from a tanker and two co-accused persons, namely, Gardeep Singh and Satish Kumar were also arrested on the spot. The name of the petitioner has come in the confessional statements of co-accused as doing business in illicit liquor.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this



case. He further submits that there is no material except the so-called confessional statements of co-accused before the police which has no evidentiary value. He further submits that only on the basis of inadmissible confessional statements of co-accused, liberty of the petitioner cannot be curtailed.

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 bail petition that the petitioner has no criminal antecedents.

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

8. Considering the fact that the prosecution case against the petitioner is based only on inadmissible confessional statements of co-accused, **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 learned Exclusive Special Court, Excise No. 1, Muzaffarpur, in connection with Ahiyapur P.S.



Case No. 1523 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned 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, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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