

Arising from the above facts, the following questions arise for consideration:

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1. Ratnabai's appeal is maintainable.

Dharamdas's appeal is maintainable.

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1. The said questions are answered in the affirmative.

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Appeal of Ratnabai

1. Ratnesh Kumar @ Ratensh Kumar S/o Late Mahabir Lal Das resident of
Dharamganj, P.S. & District - Kishanganj

Versus

.... Opposite Party/s

For the Petitioner/s : Mr. Diwakar Sinha
For the Opposite Party/s : Mr. Madan Kumar, APP

2 26-07-2016 Heard learned counsel for the petitioner and
learned counsel for the State.

According to the first information report, on the secret information the informant along with others proceeded and caught one Kundan Sah with one motor cycle containing two bags of foreign liquor and on search more than 125 bottles of 180 ml. liquor were recovered from those bags. One other person was accompanying Kundan Sah, who, however, managed to escape.

On enquiry the arrested accused Kundan Sah disclosed that it was petitioner Ratnesh Kumar @ Ratensh Kumar who managed to escape.

Learned counsel for the petitioner has submitted that the disclosure made by the arrested accused is of no consequence as the same was made before the officials of the Excise department. He has further contended that the petitioner has got clean antecedent and is ready to furnish sureties to the satisfaction of the court below.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner.

Regard being had to the facts and circumstances of the case, I am not inclined to grant pre-arrest bail to the petitioner. Accordingly, this application is rejected.

(Ashwani Kumar Singh, J)

Amin/-

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