

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29430 of 2016

Arising Out of PS.Case No. -197 Year- 2016 Thana -LAKHISARAI District- LAKHISARAI

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Bittu Kumar son of Ghanshyam Mandal, resident of village- Kiul Basti
Ward No. 22, behind the Bharat Mata, P.S.- Kabaiya, District- Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Sri Ram Bachan Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 06-09-2016 Heard the counsel for the petitioner and Mr. Ram

Bachan Singh, APP for the State.

The petitioner apprehends his arrest in Lakhisarai
(Kabaiya) P.S. Case No. 197 of 2016 registered under Section
290 of the Indian Penal Code and Section 47(A), 52 and 53 of
Bihar Excise (Amendment) Act 2016.

The police officer on information went to the house of
one Ramesh Pandit and recovered 100 bottles of Indian Made
Foreign Liquor each containing 180 ml. The lady present there
gave out names of the three persons including the petitioner who
had taken the house on rent. According to her, the liquor
belonged to those three persons.

It is submitted that the petitioner has no recorded

criminality of such nature. He has clean antecedent. One of the co-accused similarly named by the lady namely, Sunny Kumar has been released on anticipatory bail by this Court vide order dated 01.09.2016 passed in Cr. Misc. No. 27704 of 2016.

Considering the fact that the recovery has not been made from the conscious possession of the petitioner as also the fact that another co-accused has been granted the privilege of anticipatory bail, I am inclined to extend the privilege of anticipatory bail to him.

Let the petitioner above named, in the event of arrest/surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned C.J.M., Lakhisarai in Lakhisarai (Kabaiya) P.S. Case No. 197 of 2016 subject to the condition as laid down under Section 438(2), the code of Criminal Procedure with further condition that one of the bailors shall be his own/close family member. The petitioner shall appear in person on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel his bail bonds.

(Kishore Kumar Mandal, J)

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