

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26842 of 2016

Arising Out of PS.Case No. -120 Year- 2016 Thana -SARAIYA District- MUZAFFARPUR

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1. GUDDU DUBEY @ SANTOSH KUMAR DUBEY son of Late Bhaiya Narayna Dubey, resident of village- Anandpur, P.S.- Saraiya, P.O.- Saraiya Koti, Dist.- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar

For the Opposite Party/s : Mr. Sri Murlidhar

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 01-09-2016 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a case registered for the offences punishable under Sections 47(A) of the Bihar Excise (Amendment) Act, 2016.

Learned counsel for the petitioner submits that the name of the petitioner surfaced on the statement made by one Sujeet Kumar who was present at the premises of Bhushan Thakur where the raid was conducted and the alleged recovery was made. In his statement, the said Sujeet Kumar has taken the name of the present petitioner that he had left the said consignment of liquor and had assured that he would take back the same within a period of two days. It is on the said statement that the petitioner is facing prosecution. Learned counsel for the petitioner further submits that

admittedly the recoveries were not made from his conscious possession and moreover, he cannot be prosecuted on the statement made before the police by a co-accused person which is not admissible in evidence.

Having heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State and also because the petitioner has no criminal antecedent, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Saraiya P.S. Case No. 120/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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