

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51489 of 2016

Arising Out of PS.Case No. -73 Year- 2016 Thana -PANDAUL District- MADHUBANI

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Lal Bari, Son of Prakash Bari, Resident of Kotwali Chauk, P.S.-
Madhubani Town, District- Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ravindra Kumar Singh, Advocate

For the Opposite Party : Mr. Sri Abhay Kumar – 1 (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 19-12-2016 Heard learned counsel for the petitioner as well as
learned counsel for the State.

In this application for anticipatory bail, the
petitioner apprehends his arrest for the offence punishable under
Section 47(a) of Bihar Excise (Amendment) Act, 2016.

Allegedly, villagers caught Sanjay Yadav and
from his possession, foreign liquor was recovered as per seizure
list and he stated the name of the petitioner and told that he
succeeded in fleeing away.

Submission is of false implication and that
except the confessional statement of co-accused there is nothing
against the petitioner, seizure list witnesses are not independent
witnesses, there is enmity between Sanjay Yadav and the



petitioner resulting Sanjay Yadav has named the petitioner and as such petitioner deserves sympathetic consideration as he has got no criminal antecedent.

The learned A.P.P. opposes the prayer for bail.

In the facts and circumstances stated above considering that except confessional statement of co-accused, there is nothing against the petitioner and as such, petitioner Lal Bari, in case of his arrest or surrender before the Court below within four weeks from the date of receipt/ production of a copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhubani in Pandaul P.S. case no. 73 of 2016 subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Jitendra Mohan Sharma, J.)

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