

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2764 of 2017

Arising Out of PS.Case No. -291 Year- 2016 Thana -MAJORGANJ District- SITAMARHI

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Gopal Singh son of Late Rameshwar Singh, R/o village- Dumri Kala, P.S.-
Majorganj, Dsitric- Sitamarhi. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

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

ORAL ORDER

2 04-02-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner apprehends his arrest in connection with
Majorganj P.S. Case No. 291 of 2016 registered for the offence
punishable under Section 30 (A) of Bihar Excise Act.

Allegedly, from possession of co-accused Bhawan
Paswan 10.5 liter Nepali Saufi liquor was recovered and he
disclosed that he used to bring the liquor from Nepal for the
petitioner and for that the petitioner is to give Rs. 2,000/- to him.

Submission is of false implication and that nothing has
been recovered either from his house or from his conscious
possession, name of the petitioner has come in the confessional
statement of co-accused which has got no evidentiary value in the
eye of law. Seizure list witnesses have not stated the name of the
petitioner. Due to enmity co-accused has named the petitioner and



as such the petitioner deserves sympathetic consideration.

Learned APP opposes the prayer of pre-arrest bail.

In the facts and circumstances stated above, considering that the name of the petitioner has been taken by co-accused and besides that there is nothing against him, the petitioner, above named in case of his surrender or arrest within four weeks from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Majorganj P.S. Case No. 291 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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