

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21502 of 2016

Arising Out of PS.Case No. -118 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
PURNIA

- =====
1. E. Suresh Nayak @ E. Suresh Naik @ Suresh Naik E. S/o S. Bojje Naik @ Bujak Nayak
2. V. Anand s/o late Ashwar Tappa Both residents of Putta Parthy @ Putta Patti, P.S. - Putta Parthi @ Putta Patti, District - Anantpur @ Anandpur (Andhra Pradesh).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.
For the Opposite Party/s Mr. Satyavarta Verma (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 20.05.2016 Heard learned counsel for the petitioners as well as learned
Addl. Public Prosecutor for the State.

Petitioners seek bail in a case registered under section 47A
of the Bihar Excise Act.

Petitioners were caught by excise officials while they were
carrying Indian made foreign liquor in two cartoons by an ambulance.

Submission on behalf of the petitioners is that one S.
Dadapeer is constable in border security force and, as a matter of fact,
the aforesaid constable S. Dadapeer purchased the seized liquor from
canteen of border security force situated at Kadamtalla District
Darjeeling (West Bengal) and asked petitioners to carry the aforesaid
liquor to Andhra Pradesh as his marriage was going to be solemnized
on 7/8th May, 2016 but unfortunately, petitioners entered into the

territory of State of Bihar in stead of entering into the territory of State of Orissa and they were caught by the excise officials.

No doubt, after amendment of Excise Act, keeping liquor in the State of Bihar is a very heinous offence but considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Purnea in C I Case no. 118/2016 subject to condition that one of the sureties must be local and holder of the landed property.

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(Hemant Kumar Srivastava,J)

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