

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22376 of 2016

Arising Out of PS.Case No. -123 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
SAHARSA

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1. Amit Kumar S/o Sri Ajay Choudhary @ Muso Chaudhary aged 19 years
R/o Musba Gali, Chandani Chowk, Saharsa, P.S. & District Saharsa.

.... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prajesh Kumar

For the Opposite Party/s : Mr. Ataur Rahman (App)

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

ORAL ORDER

2 05-07-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Misc. Case
No. 123 of 2016 registered for the offence punishable under
Sections 47 (a) of Excise Act.

Allegedly, 24 bottles each containing 400 ml country made
liquor total 9.600 liter were recovered from the house of the
petitioner.

Submission is of false implication and that wine bottles
were being damaged by the JCB machines and some boys picked
up some bottles and brought at the backside of the house, there is
no allegation that the petitioner was indulged in selling wine and
without any fault he is suffering in custody since 06.04.2016 and
now he has sufficiently been penalized.

Learned APP submits that now this offence has been made serious after amendment.

In the facts and circumstances stated above, considering that the petitioner has got no criminal antecedent and by remaining in custody now he has sufficiently been penalized, the petitioner above named is directed to 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, Saharsa in connection with Misc. Case No. 123 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

av in/- (Jitendra Mohan Sharma, J)

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