

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.24936 of 2016**

Arising Out of PS.Case No. -50 Year- 2016 Thana -KURSELA District- KATIHAR

=====

1. Durga Mandal S/o Late Vishundeo Mandal R/o Kursela Basti, P.S.-  
Kursela, Distt.- Katihar

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s Mr. Abhay Kr. Ray(App)

=====

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR**  
**SRIVASTAVA**  
**ORAL ORDER**

03/ 04.07.2016 Heard learned counsel for the petitioner as well as learned  
Addl. Public Prosecutor for the State.

Petitioner is in jail custody since 23.4.2016 in a case  
registered under section 47/53 of the Bihar Excise (Amendment) Act,  
2016.

It is alleged that 4.5 liter country made **mahua** liquor kept  
in a plastic jar was recovered from the ration shop of the petitioner  
and furthermore, informant claims that at the time of the aforesaid  
recovery, petitioner had also consumed liquor.

Submission on behalf of the petitioner is that nothing had  
been recovered from the shop of the petitioner and there is  
contradiction between written report as well as seizure list because  
written report discloses that alleged recovery was made from the  
ration shop of the petitioner whereas seizure list discloses that the said  
recovery was made from the house of the petitioner and moreover,

seizure list does not bear the signature of the petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate III, Katihar in Kursela P.S. Case no. 50/2016.

(Hemant Kumar Srivastava,J)



|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|