

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24823 of 2016

Arising Out of PS.Case No. -4 Year- 2016 Thana -MEHUS District- SEKHPURA

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Jitendra Kumar, son of Rajeshwar Singh, Resident of Village - Mehus, P.S.
- Mehus, District - Sheikhpura.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Nilesh Kumar, Advocate.

For the Opposite Party : Mr. R.S.Choudhary, APP.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 06-06-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Mehus
P. S. Case No. 04 of 2016 registered for the offence punishable
under Section 47(a) of the Bihar Excise (Amendment) Act, 2016.

According to the F.I.R, in course of search of the
shop of the petitioner, five bottles English sealed wine were
recovered. It has been contended by the learned counsel for the
petitioner that the petitioner was neither found selling the alleged
recovered article nor was found consuming or offering wine to
any one for consumption.

Referring to the order dated 26.05.2016 passed in Cr.W.J.C. No. 533 of 2016 by Hon'ble the Acting Chief Justice of this Court, a copy of which has been produced before the Court while arguing the matter, it has been submitted that mere possession of foreign liquor cannot be treated as an offence under the Bihar Excise Act, 1915.

Learned counsel for the State has opposed the grant of bail to the petitioner. He has submitted that the alleged action of the petitioner is in contravention to the amended provisions of the Bihar Excise Act, 1915.

Regard being had to aforesaid order dated 26.05.2016 passed in Cr.W.J.C No. 533 of 2016, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri Zigar Shah, learned Judicial Magistrate 1st Class, Sheikhpura in connection with Mehus P. S. Case No. 04 of 2016.

(Ashwani Kumar Singh, J.)

Mishra/-

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