

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30474 of 2016

Arising Out of PS.Case No. -26 Year- 2016 Thana -GOPALPUR District- GOPALGANJ

Harkesh Sah Son of Late Mangal Sah Resident of village - Panchamawa
Paharpur, P.S. Gopalpur, District - Gopalganj

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Dhramveer, Advocate.

For the Opposite Party : Mr. Sri Bhanu Pratap Singh (APP)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 05-08-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 272, 273, 420/34 of the Indian
Penal Code and Section 47 (A) of Excise Act.

Petitioner was caught on the spot, when he was
found engaged in manufacturing illicit liquor and in huge quantity
of country made illicit liquor and other apparatus, which are used
in manufacturing liquor, were recovered from the place of
occurrence.

Submission on behalf of the petitioner is that the
petitioner does not have any criminal antecedent and the present
case was lodged prior to the coming into force of new Excise

Amendment Act, so the petitioner shall be deemed to be the first offender. Moreover, the petitioner has sufficiently been punished by remaining in jail custody since 25.03.2016.

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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Harshvardhan, Judicial Magistrate 1st Class, Gopalganj in connection with Gopalpur P.S. Case No. 26 of 2016.

(Hemant Kumar Srivastava, J.)

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