

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31719 of 2016

Arising Out of PS.Case No. -14 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
PATNA

- =====
1. Biplav Dutta S/o Late Khagendra Dutta R/o Village - Kharda, P.S. -
Kharda, District - Chaubis Pergana West Bengal.
2. Pinku Kumar S/o Late Gajendra Singh R/o Village - Champapur, P.S. -
Bakhtiyarpur, District - Patna.

..... Petitioner/s
Versus

1. The State of Bihar.

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar
For the Opposite Party/s Sri Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 17.08.2016 Heard learned counsel for the petitioners as well as learned
Addl. Public Prosecutor for the State.

Petitioners seek bail in a case registered under sections 47
(a) and 63 of the Bihar Excise (Amendment) Act.

In huge quantity that is 162 liter Indian made foreign liquor
was recovered from a Motel in which petitioner no.1 was working as
manger whereas petitioner no.2 was working as waiter. After recovery
of Indian made foreign liquor, Excise officials lodged the present case
against the petitioners as well as owner of the aforesaid Motel.

The contention on behalf of the petitioners is that new
Excise (Amendment) Act, 2016 came into force on 31.3.2016 and
Government issued a notification banning trade and consumption of
Indian made foreign liquor with effect from 5.4.2016 but in the
aforesaid notification, possession of Indian made foreign liquor has

not been made punishable and, therefore, petitioners can not be prosecuted for the above stated offence. It is also pointed out by him that owner of the aforesaid Motel has already been granted privilege of anticipatory bail by learned Sessions Judge, Patna vide order dated 26.5.2016 passed in ABP no. 3540/2016.

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 Addl. Chief Judicial Magistrate, Barh, Patna in GC Case no. 14/2016.

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(Hemant Kumar Srivastava,J)

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