

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30711 of 2016

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

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Hamid Reza Hashmi @ Hamid Reza son of Late Mushtaque Ahmad @ Late
Md. Mushtaque Ahmad @ Late Mushtaque, resident of Village- Bahera,
Police Station Bahera, District-Darbhangha

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Khatim Reza, Advocate.

For the Opposite Party : Mr. Sri Nityanand (APP)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 08-08-2016 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
offence punishable under Section 47A of the Bihar Excise Act.

Petitioner happens to be the owner of the vehicle,
from which, huge quantity of Indian made foreign liquor was
recovered.

Submission on behalf of the petitioner is that the
Excise Amendment Act, 2016, with respect of Indian made
foreign liquor was made applicable from 05.04.2016, whereas the
present recovery was made on 01.04.2016 and, therefore, this
matter is covered by the old Act, in which, for the first offender,

there is lesser punishment. It is further submitted that even if the aforesaid recovery is found to be true, then also the petitioner is not responsible for the seized Indian made foreign liquor because when the petitioner was caught by the police officials, he disclosed that the seized articles belongs to one mukhiya and his vehicle was only hired for transporting the said seized Indian made foreign liquor.

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 A.P. Chaudhary, Judicial Magistrate 1st Class, Darbhanga, in connection with G.O. Case No. 14 of 2016.

(Hemant Kumar Srivastava, J.)

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