

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.28549 of 2016**

Arising Out of PS.Case No. -136 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-  
MUZAFFARPUR

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1. Mangal Miyan Son of Late Mishrauli Miyan, Resident of village-  
Bhagwanpur Chatti, P.S. Sadar, District- Muzaffarpur.

.... .... Petitioner/s

Versus

1. The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Kumari Vandana, Adv.

For the Opposite Party/s : Mr. Md. Sufiyan

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

2      18-07-2016                      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 47(a), 53(c) of Bihar Excise  
(Amendment) Act.

Petitioner is languishing in jail custody since  
05.05.2016 on the accusation that 30 litres toddy was recovered  
from his shop but admittedly, petitioner was neither caught on the  
spot nor anything was recovered from his conscious possession.

Submission on behalf of the petitioner is that there is  
nothing in the prosecution report to show that the seized toddy was  
fermented toddy and therefore, the seized toddy does not come

under the purview of liquor as defined in the Excise Act.

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 Chief Judicial Magistrate, Muzaffarpur in connection with Excise Case No. 136 of 2016.

**(Hemant Kumar Srivastava, J)**

SHAHZAD/-

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