

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49645 of 2016

Arising Out of PS.Case No. -275 Year- 2016 Thana –BUDDHA COLONY District- PATNA

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Jagat Sah, son of late Nand Lal Sao, resident of village- Hindu Chakiya, P.S- Chakiya, District- Motihari (presently residing as Tenant in Kapur House Roshan Brothers, Sahdeo Mahto Marg, P.S- Sri Krishna Puri, District- Patna).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. P. Jagat Sah, Advocate.

For the State : Mr. R.P. Nat, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 13-12-2016 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 03.10.2016 in connection with Buddha Colony P.S. Case No. 275 of 2016 for the alleged offences under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. It is submitted that the petitioner has been falsely implicated as he denies recovery of three bottles containing 750 ml of English wine from his conscious possession. It is submitted that the seizure list has been prepared by the informant who is an ASI and not in accordance with Section 73 of the Bihar Excise Act, which thus casts doubt about the correctness of such seizure list.

4. Having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be



released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Incharge Judicial Magistrate, 1st Class, Patna, in connection with Buddha Colony P.S. Case No. 275 of 2016 on the following conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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