

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41558 of 2016

Arising Out of PS.Case No. -291 Year- 2016 Thana -BARACHATTI District- GAYA

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1. Harendra Kumar S/o Sri Ramjee Rai, R/o Mohalla- Kachchighat, P.S.-
Chawk, Distt.- Patna.
2. Jagbandhu Patra, S/o Dharmanand Patra, R/o- Jagarnathpur, P.S.-
Nilgiri, Distt.- Baleshwar, (Urisa).

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. N.K. Agrawal, Sr. Advocate
Mr. Gautam Kumar Yadav, Advocate

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 22-10-2016 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are in custody since 08.08.2016 in connection with Barachatti P.S. Case No. 291 of 2016 for the alleged offences under Sections 47(a), 48(2)/54/63 of the Bihar Excise Amendment Act, 2016 and Sections 272/273/120B of the Indian Penal Code.

3. It is submitted that the petitioners have been falsely implicated and in any event, mere possession of foreign liquor does not *prima facie* constitute the ingredients of the offence alleged in view of the order of this Court dated 30.09.2016 passed in Cr. W.J.C. No. 533 of 2016 (*Ram Sumir Sharma vs. The State of Bihar*). It is further submitted that pending trial the petitioners have been sufficiently punished having already suffered custody since 08.08.2016.

4. Having regard to the entirety of the facts and circumstances of the case, let the petitioners above named be released on bail on furnishing bail bond of Rs.10,000/-(ten

thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Barachatti P.S. Case No. 291 of 2016 on the following conditions -

(i) That one of the bailors of each of the petitioners shall be their close relative.

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

(iii) That the petitioners 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, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Md. Ibrarul/BT

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