

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40517 of 2016

Arising Out of PS.Case No. -131 Year- 2016 Thana -PIPRA District- SUPAUL

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1. Chandrabhushan Kumar Son of Gajendra Mukhiya, resident of Village-
Budhave, Police Station - Sinheshwar, Distrist- Madhepura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 03-10-2016 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, 51 of the Bihar Excise
Amendment Act, 2016.

276 bottles, each containing 180 ml. Nepali foreign
liquor, are said to have been recovered from a vehicle which was
being driven by the petitioner at the time of alleged recovery. The
present case was lodged under Bihar Excise Amendment Act,
2016 but a Division Bench of this Court has already declared the
aforesaid act as ultra vires. No doubt, Section 98(2) of Bihar
Excise Act, 2016, which has come into force from 02.10.2016,
says that any action taken under the above stated old Act shall be

deemed to be taken under the Bihar Excise Act, 2016 but when the Bihar Excise Amendment Act, 2016 has already been declared ultra vires, the detention of the petitioner in jail custody due to violation of Bihar Excise Amendment Act, 2016 does not appear to be convincible.

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, Supaul in connection with Pipra P.S. Case No. 131 of 2016.

(Hemant Kumar Srivastava, J)

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