

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55003 of 2016

Arising Out of PS.Case No. -243 Year- 2016 Thana -MAJORGANJ District- SITAMARHI

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Rakesh Kumar Jha @ Rakesh Jha, Son of Shashi Kant Jha, R/o Village-Simardah Kala, P.S.- Mejarganj, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Advocate.
Mr. Ashok Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Md. Mustaque Alam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 21-12-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner, who is in custody, seeks bail in connection with Mejarganj P.S.Case No. 243 of 2016 registered under Sections 272 and 273 of the Indian penal Code and 47(a) of the Bihar Excise (Amendment) Act, 2016.

Prosecution case, in brief, is that the police intercepted a Hundai vehicle and it is alleged that foreign liquor of different make in total 200 litres were recovered from the said vehicle.

Learned counsel for the petitioner submits that this case relates prior to the recent amendment in the Excise Act, moreover nothing was recovered from his conscious possession. The driver of the vehicle has also submitted a petition before the



court below that he had given lift to this petitioner in his vehicle and the driver is in custody. Moreover, seizure memo shows that there is no compliance of Section 100 of the Code of Criminal Procedure as neither the copy of the seizure memo was given to the petitioner nor his signature was on the same and the petitioner has no criminal antecedent of similar nature and has been in custody since 06.09.2016.

Considering the aforementioned facts and circumstances, the petitioner, named above, is directed to be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned C.J.M., Sitamarhi in connection with Mejarganj P.S. Case No. 243 of 2016.

(Arun Kumar, J)

Sujit/-

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