

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43535 of 2016

Arising Out of PS. Case No. -229 Year- 2016 Thana -MALSALAMI District- PATNA

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Md. Naushad @ Sonu S/o Md. Liyakat R/o Moh. Sharifaganj, P.S.
Malsalami, District Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Nityanand Kumar, Advocate

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 20-10-2016 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 22.08.2016 in connection with Malsalami P.S. Case No. 229 of 2016 for the offences alleged under Sections 272 and 273 of the Indian Penal Code and Sections 47(a), 54, 57 and 63 of the Bihar Excise (Amendment) Act, 2016.

3. It is submitted that the petitioner has been falsely implicated and in any event, mere possession of foreign liquor does not *prima facie* constitute being 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*).

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 Sri Rajeev Kumar Bharti, learned Judicial Magistrate, Patna City, District Patna in connection with Malsalami P.S. Case No. 229 of 2016 with 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.

B.T/Chandran

(Vikash Jain, J)

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