

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49955 of 2016

Arising Out of PS.Case No. -396 Year- 2016 Thana -BETTIAH TOWN District-
WESTCHAMPARAN(BETTIAH)

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Chandan Kumar, Son of Brajesh Kumar, R/o Naya Bazar Chowk, P.S.
Bettiah (Town) District West Champaran at Present R/o Village - West
Kargahiya, P.S. Bettiah (Town), District West Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party : Mr. Nawal Kishore Prasad (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 16-12-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Bettiah Town P.S. Case No. 396 of 2016, registered for the
offence punishable under Section 47(A) of Bihar Excise
(Amendment) Act.

Allegedly, from the motorcycle bearing registration
No. BR-22X-7775, 65 bottles of foreign liquor each containing
180 M.L. was recovered and accordingly against the driver of that
motorcycle the case has been registered.

Submission is of false implication and that petitioner
has not been arrested at the spot, nothing has been recovered from
his conscious possession, the petitioner is the owner of the said
motorcycle, possession simpliciter of foreign liquor was not banned by
the State Government on the date of occurrence and, as such,



no offence as alleged is made out. The learned counsel for the petitioner has cited the ruling reported in *2016(2) P.L.J.R., page 919 in the matter of Ram Sumir Sharma Vs. The State of Bihar.*

The learned A.P.P. submits that one person was going with the motorcycle taking the liquor and after seeing the police personnel succeeded in fleeing away after leaving the motorcycle.

In the facts and circumstances as stated above, considering that possession simpliciter of foreign liquor has not been banned by the State Government and, as such, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, in connection with Bettiah Town P.S. Case No. 396 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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