

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23891 of 2016

Arising Out of PS.Case No. -50 Year- 2016 Thana -
PANAPUR District- SARAN

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1. Bimal Rai

2. Hari Kishor Rai

Both son of Bhola Rai, Resident of village- Bijauli, P.S.-
Panapur, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Mustaque Alam (App)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

3 15-07-2016 Heard the parties.

This application, for grant of anticipatory bail,
arises out of Panapur P.S. Case No.50 of 2016, disclosing
offences under Sections 272 and 273 of the Indian Penal
Code and Section 47(a) of the Bihar Excise Act.

In a raid conducted by the police in the house
of the petitioners, few bottles of foreign liquor were
recovered.



Learned counsel, appearing on behalf of the petitioners, has submitted that there is no allegation that the petitioners were found consuming or indulging in trade of liquor. He has further submitted that the raid was conducted merely five days after the government's notification, came to be issued on 05.05.2016. He has also relied on certain orders of this Court to submit that possession of foreign liquor *per se* is not an offence under the Bihar Excise Act.

I find substance in the submission made on behalf of the petitioners that there is no allegation in the First Information Report against them of consuming liquor or indulging in trade of liquor.

This application is, accordingly, allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Saran at Chapra**, in connection with **Panapur P.S. Case No.50 of 2016**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the

petitioners, above named, shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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