

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43534 of 2016

Arising Out of PS.Case No. -208 Year- 2016 Thana -ALAMGANJ District- PATNA

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Ajeet Kumar, Son of Gauri Saw, Resident of village - Sadikpur Machhua
Toli, P.S. Alamganj, District - Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Satish Chandra, 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 17.07.2016 in connection with Alamganj P.S. Case No. 208 of 2016 for the offences alleged under Sections 47/53 of the Bihar Excise (Amendment) Act, 2016.

3. It is submitted that the petitioner has been falsely implicated as the 'Thela' from which recovery of foreign liquor has been made does not belong to the petitioner. It is further submitted that the petitioner has been in custody since 17.07.2016 and has been sufficiently punished for the alleged recovery of the small quantity of foreign liquor, possession of which, in any event, prima facie does not constitute being the ingredients of the alleged offence 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 learned Additional Chief Judicial Magistrate, Patna City in connection with Alamganj P.S. Case No. 208 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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