

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26341 of 2016

Arising Out of PS.Case No. -38 Year- 2016 Thana -MATIHANI District- BEGUSARAI

Munna Jha, S/o Late Sudama Jha, Resident of village- Chakaur, P.S.-
Matihani, District- Begusarai

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Rai Mukesh Sharma,
Mr. Ravinder Kumar, Advocates
For the State : Ms. Pushpa Sinha, A.P.P.

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 05-07-2016 Heard learned counsel for the petitioner and the
State.

Petitioner apprehends his arrest in a case filed
under Sections 272, 273, 290 of the Indian Penal Code and Section
47 (A) of the Excise Act.

It is contended on behalf of the petitioner that
search and seizure and date of first information report being
30.03.2016 would not be covered by the amended Act which was
brought into force with respect to the foreign liquor with effect
from 05.04.2016. As per the allegation, 23 bottles of foreign
liquor was seized on the Verandah of the house of the petitioner.
However, it is contended that neither the petitioner was

apprehended from the spot nor were any persons who were allegedly purchasing foreign liquor were apprehended. The seizure list has not been signed by independent witness rather two member of the raiding party themselves stood as witnesses to the seizure. Though it is contended that copy of the seizure list was handed over to the family member of the petitioner but there is no signature of any family member on the seizure list.

Having regards to the facts and circumstances of the case, in the event of arrest/surrender within a period of six weeks from today in Matihani P.S. case no.38 / 16, the above named petitioner, Munna Jha shall be released on bail on furnishing bail bond of Rs.10,000(Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of J.M. 1st Class, Begusarai subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

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