

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31629 of 2016

Arising Out of PS.Case No. -171 Year- 2016 Thana -BODHGAYA District- GAYA

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1. Kundan Kumar Son of Amresh Kumar resident of Mohalla - Janakpur,
Police Station Mufassil, District - Bhagalpur Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vikram Singh

For the Opposite Party/s : Mr. Kr. Virendra Narayan(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 16-09-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Bodh Gaya
P.S. Case No. 171 of 2016 registered for the offence punishable
under Section 47 of Bihar Excise Amendment Act, 2016.

Allegedly, the petitioner being the driver of tempo was
arrested and on the back seat one Tutu Kumar was sitting and
from the tempo 96 bottles of foreign made liquor each containing
375 ml. were recovered and both disclosed that they have
purchased the same from Hunterganj and were bringing to sale the
same without any paper.

Submission is of false implication and that Tutu Kumar
from whose possession the bag containing bottles of wine were
recovered has already been allowed bail vide order dated
16.08.2016 passed in Cr. Misc. No. 31976 of 2016 by another co-

ordinate Bench of this Court and as such the petitioner deserves sympathetic consideration as recovery was to the tune of 28 liters only.

Learned APP opposes the prayer of bail by submitting that after amendment the offence has been made serious.

In the facts and circumstances stated above, considering the period of detention, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Bodh Gaya P.S. Case No. 171 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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