

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22288 of 2016

Arising Out of PS.Case No. -51 Year- 2016 Thana -SANHOLA District- BHAGALPUR

- =====
1. Ajay Sharma Son of Kmeshwar Sharma resident of village - Asnaha,
P.S. Bausi, District - Banka
 2. Sumit Kumar S/o Surendra Pd. Sharma resident of village - Sripathan,
P.S. Dhorajya, District - Banka

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 25-05-2016 Heard the learned counsel for the petitioners as well
as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under section 188 of the I.P.C and section 47 of the Excise Act.

Allegedly, from the dicky of motorcycle of the petitioners one bottle of 375 ml. Royal Stag brand of foreign liquor was recovered.

Submission is of false implication and that the petitioners have been made victim of the police atrocity resulting the petitioners are suffering in custody since 28.04.2016, the petitioners have got no criminal antecedents and as such they

deserve sympathetic consideration, to which the learned A.P.P. opposes by submitting that under the amended Act minimum punishment is not less than ten years and the fine shall not be less than one lakh rupees.

In the facts and circumstances as stated above, considering the alleged recovery in the small quantity, the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M. Bhagalpur in Sanhaura P.S. Case No. 51 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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