

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25426 of 2016

Arising Out of PS.Case No. -13 Year- 2016 Thana -KHAGARIA GRP CASE District- KHAGARIA
=====

Amresh Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Sri Surendra Prasad Singh
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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 20-06-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner is in jail custody since 16.05.2016 in a case registered under Sections 272 and 273 of the Indian Penal Code and Section 47 of the Excise Act, 2016.

It is alleged that four bottles of Indian made foreign liquor were recovered from possession of the petitioner while he was traveling by the train.

Contention on behalf of the petitioner is that petitioner is a military personnel and, as a matter of fact, he was going to his home on leave and from military canteen, seized liquor was purchased by the petitioner and, therefore, even if the accusation leveled against the petitioner is assumed to be true, then also, the aforesaid recovery will come under the ambit of possession which

is not punishable in Excise Act, 2016.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Railway, Khagaria in connection with Naugachhiya Rail P.S.Case No. 13 of 2016.

(Hemant Kumar Srivastava, J)

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