

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46393 of 2016

Arising Out of PS.Case No. -197 Year- 2016 Thana -PATNA GRP CASE District- PATNA

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Amit Kumar Singh, son of Sri Satendra Prasad Singh, r/o. vill Rajajan,
P.S. Mohiuddin Nagar, Dist. Samastipur at present at Road No. 12-
10B,Rajendra Nagar, P.S. Kadam Kuan, Dist. Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Nand Kishore Prasad Sinha, Adv
For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 22-10-2016 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner is in custody since 29.07.2016 in connection with Rail P.S. Patna Junction Case No. 197 of 2016 for the alleged offences under Section 273 of the Indian Penal Code and Section 47(a) of the Bihar Excise Act.

3. It is submitted that the petitioner has been falsely implicated and in any event, mere possession of foreign liquor does not *prima facie* constitute the ingredients of the offence alleged 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*). It is further submitted that pending trial the petitioner has been sufficiently punished having already suffered custody since 29.07.2016.

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 Railway Judicial Magistrate, Patna, in connection with Rail P.S. Patna Junction Case No. 197 of 2016 on 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.

(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.

(Vikash Jain, J)

Chandran/BT

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