

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43566 of 2016

Arising Out of PS.Case No. -214 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
SITAMARHI

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Ashik @ Ashique Farhan, son of Md. Khurshid, resident of Village
Haleshwar Asthan (Girmisania), Police Station and District Sitamarhi.
..... Petitioner

Versus

The State of Bihar
..... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 24-10-2016 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 18.08.2016 in connection with Complaint Case No. C2/214 of 2016 for the offences alleged under Sections 47(A) of the Bihar Excise (Amendment) Act, 2016.

3. It is submitted that the petitioner has been falsely implicated as there is serious doubt about the seizure list which does not contain the signature of the petitioner or any independent witnesses. In any event, it is submitted that pending trial the petitioner has been sufficiently punished in respect of the small quantity of the Nepali Sonfi wine said to have been recovered from the petitioner. The petitioner claims clean antecedents.

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 Chief Judicial Magistrate, Sitamarhi in connection with Complaint Case No. C2/214 of 2016 with 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 till conclusion of the trial.

(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)

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