

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27032 of 2016

Arising Out of PS.Case No. -47 Year- 2016 Thana -MINAPUR District- MUZAFFARPUR

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Umesh Sahani S/o Balam Sahani resident of Village- Kohba Chhittarpatti,
P.S.- Minapur (Panapur O.P.), District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh

For the Opposite Party/s : Mr. Sri Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 01-07-2016

Heard learned counsel for the parties.

The petitioner is apprehending his arrest in a case registered for the offence punishable under sections 272, 273, 209 of the Indian Penal Code and section 47a of the Bihar Excise Act, 1915.

22 bottles of beer were recovered from the possession of the petitioner.

It is submitted by the learned counsel for the petitioner that the case was registered on 5.3.2016, much prior to new amendment came into force on 5th April, 2016 and even as per new amendment the Bihar Excise (Amendment) Act, 2016 mere possession is not an offence as has been held by this Court in the case of Ram Samir Sharma & ors. v. the State of Bihar through the Chief Secretary & ors., reported in 2016(2) PLJR 919. Statement

has been made in paragraph 3 of the application that the petitioner has no criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, abovenamed, in the event of his arrest or surrender before the court below within a period of twelve weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur in Minapur (Panapur O.P.) P.S.Case No. 47/2016, G.R.No. 1035/2016, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

However, it is made clear that if the petitioner will be found involved in similar nature of offence, then the learned court below will consider to cancel the bail bond of the petitioner.

(Dinesh Kumar Singh, J)

Surendra/-

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