

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38667 of 2016

Arising Out of PS.Case No. -78 Year- 2016 Thana -NALANDA District- NALANDA
(BIHARSHARIFF)

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Babu Lal @ Sikandar Singh Son of Bachchu Singh Resident of village-
Mustafapur, P.S. Nalanda, District- Nalanda

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioner : Mr. A.K.Thakur Advocate

For the Opposite Party : Mr. J.K.Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 26-09-2016 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Section 47 of the Bihar Excise Act, registered in
connection with Nalanda P.S. Case No. 78 of 2016.

3. It is submitted that *prima facie* the accusations in the
First Information Report with regard to mere possession of
foreign liquor do not constitute an offence under the Bihar Excise
Act in view of order dated 26.05.2016 passed in Cr. W.J.C. No. 533
of 2016 (Ram Sumir Sharma vs. The State of Bihar through the
Chief Secretary, Government of Bihar, Patna and Ors.,).

4. Having regard to the entirety of the facts and
circumstances, in the event of the petitioner's arrest or surrender

before the court below within six weeks from the date of communication of this order, let the above named petitioner 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, Nalanda at Biharsharif, in connection with Nalanda P.S. Case No. 78 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Vikash Jain, J)

Chandran/BT

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