

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24826 of 2016

Arising Out of PS.Case No. -58 Year- 2016 Thana -PARIHAR District- SITAMARHI

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Kant Lal Mandal son of late Soman Mandal, resident of village - Barahi,
P.S. - Parihar, District - Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

For the State : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

2 06-06-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Parihar P.S.
Case No.58 of 2016 registered under Sections 272 and 273 of the
Indian Penal Code and Section 47 of the Bihar Excise
(Amendment) Act, 2016.

According to the first information report about five litres
Nepali country made liquor was recovered from inside the shop of
the petitioner on 9th April, 2016. Since the Bihar has been declared
dry State with effect from 5th April, 2016, sale, consumption and
trade of any kind of liquor is illegal and, accordingly, the
petitioner has been made accused in the present case.

It has been submitted by the learned counsel for the

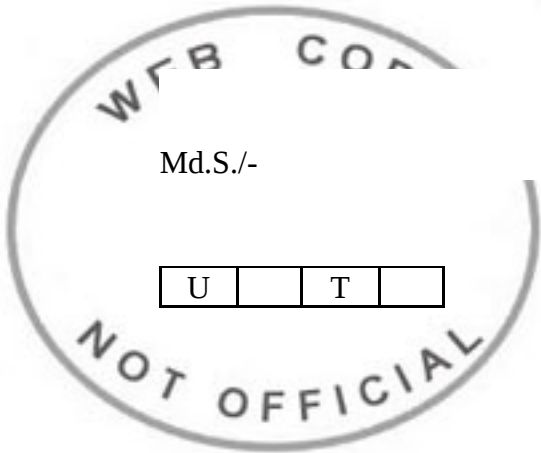


petitioner that Sections 272 and 273 of the Indian Penal Code would not be applicable in the present case as there is no allegation of adulteration. It has further been contended that the petitioner, who is aged about fifty four years, is a man of clean antecedent and he has been framed in the present case merely on suspicion. It has been submitted that the seizure list was prepared on 9th April, 2016 at 7 p.m. whereas the FIR was registered at the police station on the same day at 8 p.m. In case the seizure list would have been prepared at the spot, the same would not have carried the police station case number as the officer who made the search and seizure would not have been aware about the case number which could have been subsequently given in the FIR in the police station.

Learned counsel for the State has opposed the application for grant of bail to the petitioner. He has submitted that in view of recovery of 5.01 litres of Nepali country made liquor from the shop of the petitioner, he is not entitled for bail.

Be that as it may, regard being had to the facts and circumstances of the case, the petitioner, namely, Kant Lal Mandal, is directed to 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 learned Chief Judicial Magistrate,

Sitamarhi in connection with Parihar P.S. Case No.58 of 2016.



Md.S./-

(Ashwani Kumar Singh, J)