

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31030 of 2016

Arising Out of PS.Case No. -106 Year- 2016 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

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1. Vimal Kumar Rai @ Vimlendu Kumar, son of Late Baijnath Rai @ Butti Rai, Resident of Village- Jitwarpur, Chouth Tole, Sapna, P.S- Samastipur Mufassil, District- Smastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s . Sri Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 11.08.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under section 272,
273 of the Indian Penal Code and sections 47A, 57 of the Bihar Excise
(Amendment) Act.

In huge quantity Indian made foreign liquor is said to have
been recovered from the house of the petitioner but admittedly, prior
to coming into force of Bihar Excise (Amendment) Act, petitioner was
licence holder for selling Indian made foreign liquor.

The submission on behalf of the petitioner is that even if the
prosecution story assumed to be true, then also, mere storage of Indian
made foreign liquor does not constitute any offence because mere
possession of Indian made foreign liquor is no offence in the eye of
law.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Samastipur in Samastipur Mufassil P.S. Case no. 106/2016.

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(Hemant Kumar Srivastava,J)

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