

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22784 of 2016

Arising Out of PS.Case No. -118 Year- 2016 Thana -KAHALGAON District- BHAGALPUR

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1. Manish Kumar Son of Dinesh Sahni
2. Gyan Shankar Sahni Son of Chedi Sahni Both resident of village - Kagji
Tola, Police Station- Kahalgaon, District – Bhagalpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Abhay Kr. Ray(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 26-05-2016 Heard the learned counsel for the petitioners as well

as the learned A.P.P. for the State.

The petitioners seek bail in a case for the offence

punishable under section 53(A) of Bihar Excise Amendment Act,

2016.

Allegedly, the petitioners were found taking liquor

and seeing the police party tried to flee away, but were caught and

two empty bottles of Royal stage of 180 ml. and mobile phone

were recovered.

Submission is of false implication and that empty

bottles of wine are alleged to be recovered, the petitioners have

not taken drink, without verifying that as to whether the petitioners

have taken drink or not, they have been implicated in this case resulting they are suffering in custody since 15.4.2016 having no criminal antecedent.

The learned A.P.P. submits that now under the Amended Act, minimum punishment is 10 years and fine of Rs.1,00,000/-.

In the facts and circumstances stated above, the petitioners, above named, are directed to be released on bail on execution of bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon P.S. Case No.118 of 2016, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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