

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46401 of 2016

Arising Out of PS.Case No. -161 Year- 2016 Thana -BIKRAM District- PATNA

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Ripu Kumar son of Late Firangi Singh, resident of Village- Manjhauli,
P.S. Bikram, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Sinha, Adv.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 22-10-2016 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 27.07.2016 in connection with Bikram P.S. Case No. 161 of 2016 for the alleged offences under Section 290 of the Indian Penal Code and Section 47(A) of the Bihar Excise (Amendment) Act, 2016.

3. It is submitted that the petitioner has been falsely implicated and in any event, mere possession of foreign liquor does not *prima facie* constitute the ingredients of the offence alleged in view of the order of this Court dated 30.09.2016 passed in Cr. W.J.C. No. 533 of 2016 (*Ram Sumir Sharma vs. The State of Bihar*). It is further submitted that pending trial the petitioner has been sufficiently punished having already suffered custody since 27.07.2016.

4. Having regard to the entirety of the facts and circumstances of the case, let the petitioner above named 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 Sri R.N. Singh, learned Judicial Magistrate, Ist Class, Danapur, Patna in connection with Bikram P.S. Case No. 161 of 2016 on the

following conditions -

- (i) That one of the bailors shall be a close relative of the petitioner.
- (ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- (iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

Md. Ibrarul/BT

(Vikash Jain, J)

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