

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2602 of 2017

Arising Out of PS.Case No. -103 Year- 2016 Thana -SARAN GRP CASE District- SARAN

- =====
1. Sanjay Kumar, son of Ram Bachan Sah, resident of Village- Kharuwa, P.S.- Nagara, District- Balia (U.P.)
 2. Mahendra Prasad, son of Late Ram Raj, resident of Village- Tiwari Jor, P.S.- Jhagha, District- Gorakhpur (U.P.)
 3. Ram Singh @ Ram Babu, son of Late Uttam Singh, resident of Village- Khatera, P.S.- Mushahari, District- Pithauragarh (Uttarakhand).

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Sri Khurshid Anwar

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 09-02-2017 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners seek bail in connection with Sonapur Hajipur Rail P.S. Case No. 103 of 2016 registered for the offences punishable under Section 30 of Bihar Excise Amendment Act, 2016.

Allegedly, the petitioners who are in military service were caught and it is alleged that from possession of petitioner no. 1 XXX Rum 11 bottles each containing 750 ml., Old Monk XXX Rum 12 bottles each containing 750 ml., from possession of petitioner no. 2 Old Monk XXX Rum 8 bottles each containing 750 ml and from petitioner no. 3 Old Monk XXX Rum 2 bottles



each containing 750 ml., Bermuda XXX Rum 4 bottles each containing 750 ml., Officer Choice 1 bottle of 750 ml., Aristocrat Premium 2 bottles each containing 750 ml., Morpite US Brandy 2 bottles each containing 750 ml. and Mansion House 7 bottles each containing 750 ml. were recovered and the petitioners are in custody since 12.12.2016.

Submission is of false implication and that nothing has been recovered from possession of the petitioners, they have got no criminal antecedent and they are in service and as such they deserve sympathetic consideration. Further it is submitted that father-in-law of petitioner no. 1 has died and his Shrad ceremony is to be performed on 11.02.2017 and wife of the petitioner has no brother.

Learned APP submits that considering the period of detention now lenient view can be taken.

In the facts and circumstances stated above, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Railway, Sonapur, Saran in connection with Sonapur / Hajipur Rail P.S. Case No. 103 of 2016 (SEE/HJP/Rail P.S. Case No. 103/2016), subject to the conditions that one of the



bailors must be a 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 petitioners from privilege of bail.

I. A. No. 267 of 2017 is hereby also disposed of.

(Jitendra Mohan Sharma, J)

avin/-

U		T	
---	--	---	--

