

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5799 of 2017

Arising Out of PS.Case No. -46 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
NALANDA (BIHARSHARIFF)

=====

Chandan Kumar Son of Kailash Choudhary Resident of Village- Bihari
Road Hilsa, P.S. Hilsa, District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Anant Kumar-1

For the Opposite Party/s : Mr. Sri Umanath Mishra

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 15-02-2017 Heard Sri Y.C. Verma, learned Senior Counsel,

assisted by Sri Anant Kumar-1, learned counsel for the petitioner

and Sri Uma Nath Mishra, learned Addl. Public Prosecutor.

This is the second attempt for grant of bail on
behalf of the petitioner in connection with Case no.46c2/2016
registered for the offence under Section 47(A) of the Bihar Excise
(Amendment) Act, 2016. Earlier, the prayer for grant of bail was
rejected vide order dated 28.10.2016 passed in Cr.Misc.No.40913
of 2016.

It was submitted by learned counsel for the
petitioner that the petitioner has sufficiently been punished. It has
been argued that though earlier a report was sent to this Court that
this case was fixed for framing of charge, till date charge has not



been framed.

Sri Uma Nath Mishra, learned Addl. Public Prosecutor has vehemently opposed the prayer for bail of the petitioner. He submits that huge quantity of country made liquor, molasses as well as machinery were recovered from the possession of the petitioner.

However, keeping in view the fact that earlier, the prayer for bail was rejected primarily after noticing the fact that the case was fixed for framing of charge, but till date charge has not been framed, the Court is of the opinion that there is no reason to further detain the petitioner. Let the petitioner, namely, Chandan Kumar 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 A.C.J.M., Hilsa (Nalanda) in connection with Case No.46c2 of 2016.

(Rakesh Kumar, J)

NKS/-

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

