

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36115 of 2019

Arising Out of PS. Case No.-22 Year-2019 Thana- Jaynagar District- Madhubani

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Ajay Kumar Mehara @ Ajay Kumar (Male) aged about 27 years, S/o Faguni Mehara R/o village- Aakuna, P.S.- Deodha, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav

For the Opposite Party/s : Mr.Ajay Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 10-06-2019 Heard Sri Gagan Deo Yadav, learned counsel for the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, who is in custody since 02-04-2019, as stated in paragraph – 15 of the petition, in Jaynagar P.S. Case No. 22 of 2019 (G.R.No. 70 of 2019) registered for offence under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘Excise Act, 2016’), has prayed for grant of bail.

Recently, the Full Bench of this Court in a case i.e. Criminal Appeal (SJ) No. 431 of 2019 {Ram Vinay Yadav vs. The State of Bihar} has noticed that vires of entire Excise Act, 2016 as well as amended Excise Act is pending before the Hon’ble Supreme Court.



The Court is of the opinion that since vires of entire Excise Act, 2016 is already sub-judice before the Hon'ble Supreme Court, it would not be appropriate for this Court to finally dispose of any case pertaining to Excise Act, 2016. However, at the same time, it would not be appropriate to allow a person to remain in custody for an indefinite period.

List this matter after disposal of S.L.P.(C) Nos. 27949-29763 of 2016 and connected writ petitions pending before the Hon'ble Supreme Court.

Till further order, the petitioner namely Ajay Kumar Mehara @ Ajay Kumar is directed to be released provisionally 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 Additional Sessions Judge 2nd-cum-Special Judge (Excise), Madhubani in connection with Jaynagar P.S. Case No. 22 of 2019 (G.R.No. 70 of 2019).

(Rakesh Kumar, J.)

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