

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5650 of 2020

Arising Out of PS. Case No.-436 Year-2019 Thana- VAISHALI District- Vaishali

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1. Tinku Kumar @ Pintu Son of Late Devendra Rai Resident of Village - Sararia Urf Saranthi, Chhapra Sarriya, P.S.- Lalganj, District - Vaishali.
 2. Sufaid Sah Son of Hanif Sah Resident of Village - Majhauri, P.S.- (Belsar O.P.) Vaishali, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lalit Narayan Jha

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 04-03-2020 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Pursuant to the order dated 14.02.2020, Mr. Vikash Kumar, learned counsel appearing on behalf of the State has handed over copy of the report of chemical examiner to suggest that sample was analyzed and it was containing alcohol. On specific query, Mr. Vikash Kumar admitted that it is only the sample of particular bottle and not the sample from other sealed bottle was taken as sample and sent for chemical examination.

It is now admitted position that sampling was not done with regard to each and every unit bottle. Unlike the offences under the Narcotic Drugs and Psychotropic Substances



Act, the offences under the Bihar Prohibition and Excise Act is not quantity based.

The petitioners are languishing in jail as under trial prisoners since 02.12.2019 in connection with Vaishali P.S. Case No. 436 of 2019 for the offences under the provisions of Bihar Prohibition and Excise Act, 2016.

Considering the fact that the offence is not quantity based and the petitioners have remained in custody as under trial prisoners since 02.12.2019, the Court is inclined to grant bail to the petitioners. Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 50,000/- (Fifty Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Excise, Court, Hajipur at Vaishali, in connection with Vaishali P.S. Case No. 436 of 2019, subject to the condition that on release if the petitioner is found indulged in similar activities, then the court below shall be at liberty to cancel bail bonds of the petitioners.

With the aforesaid, the application stands disposed of.

(Anil Kumar Upadhyay, J)

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