

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6540 of 2020

Arising Out of PS. Case No.-420 Year-2019 Thana- JAGDISHPUR District- Bhagalpur

1. VIJAY KUMAR Son of Udit Sharma Resident of Village - Rajghat, Police Station - Barhara Kothi, District - Purnia.
2. Amit Kumar Son of Kailash Das Resident of Village - Tetri Pakara, Police Station - Naugachhia, District - Bhagalpur.
3. Ganga Kumar Das Son of Kailash Das Resident of Village - Tetri Pakara, Police Station - Naugachhia, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar

For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 04-03-2020 Learned counsel for the petitioners is permitted to make necessary correction during the course of the day.

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 25.12.2019 in connection with Jagdishpur P.S. Case No. 420 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 25.12.2019, 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 the learned Additional Sessions Judge-II-cum-Special Judge, Excise, Act, Bhagalpur, in connection with Jagdishpur P.S. Case No. 420 of 2019, subject to the condition that on release if the petitioners are 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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