

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7284 of 2020

Arising Out of PS. Case No.-486 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

1. Deepak, Son of Ramchandra Resident of Village-Humyupur, P.S.- I.M.T (Sapla), District - Rohtak (Hariyana)
2. Kamal Son of Dharmveer Resident of Village - Gudi Harsue, P.S.- Sector - 10, District - Gurgaon (Hariyana)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ramchandra Sahni, Advocate
For the Opposite Party : Mrs. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 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 the 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 prisoner since 24.12.2019 in connection with Siwan Muffasil P.S. Case No. 486 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 prisoner since 24.12.2019, 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) with two sureties of the like amount each to the satisfaction of 2nd Additional District and Sessions Judge -cum- Special Judge, Excise, Siwan in connection with Siwan Muffasil P.S. Case No. 486 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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