

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2768 of 2020

Arising Out of PS. Case No.-407 Year-2017 Thana- GOPALGANJ TOWN District-
Gopalganj

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MAHBOOB SAI @ MAHABOOB SAH Son of Late Mahamad Sai Resident
of Village - Dhankhar, P.S.- Majhagarh, District- Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 04-03-2020

Heard learned counsel for the petitioner 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 petitioner is languishing in jail as under trial prisoner since 23.11.2019 in connection with Gopalganj Town P.S. Case No. 407 of 2017 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 petitioner has remained in custody as under trial prisoner since 23.11.2019, the Court is inclined to grant bail to the petitioner. Let the petitioner, 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 the ADJ-II, Gopalganj in connection with Gopalganj Town P.S. Case No. 407 of 2017, 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 petitioner.

With the aforesaid, the application stands disposed of.

(Anil Kumar Upadhyay, J)

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