

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2069 of 2019

Arising Out of PS. Case No.-118 Year-2005 Thana- TRIVENIGANJ District- Supaul

Vijay Sardar @ Bijendra Sardar S/o Yugeshwar Sardar Resident of Ward No. 10, Daparkha, Anchal- Triveniganj, P.S.- Triveniganj, P.O.- Daparkha, District- Supaul

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Veena Kumari Jaiswal, Advocate
For the State : Mr.Binod Bihari Singh, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 30-10-2024 Heard learned senior counsel for the appellant and learned A.P.P. for the State.

2. The present appeal has been filed against the judgment and order passed by the learned Additional District and Session Judge- IInd, Supaul cum Special Judge (Excise), Supaul in S.T. Excise Case No. 565 of 2017 arising out of Triveniganj P.S. Case No. 118 of 2005 by which the appellant has been held guilty under Section 47(a) of the Bihar Excise Act, 1915 and has been sentenced to undergo imprisonment for three years and also to pay a fine of Rs. 5,000/- and in default of payment of fine, he will suffer imprisonment for a further period of three months.

3. Learned counsel for the appellant, at the very



outset, does not challenge the judgment and order of conviction and he limits his argument only on the quantum of sentence.

4. It is further submitted that the appellant is 50 years old and he is not a habitual offender and this is the first offence committed by him and he prays for a lenient view.

5. I have considered the submission of the parties.

6. In the facts of the case, this Court does not interfere in the conviction of the appellant which is upheld but the sentence to undergo rigorous imprisonment for 3 years and a fine of Rs. 5000/- is modified to rigorous imprisonment for 3 months and fine of Rs. 500/- and in default of payment of fine, the appellant shall be liable to undergo simple imprisonment for 15 days.

7. If the appellant has already undergone rigorous imprisonment for a period of three months including the period of remission etc. then upon payment of fine of Rs. 500/- as indicated above, he is directed to be released forthwith if he is not wanted in any other case.

8. Accordingly, this appeal stands partly allowed.

(Sandeep Kumar, J)

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