

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4512 of 2022

Arising Out of PS. Case No.-224 Year-2021 Thana- BUXAR MUFFSIL District- Buxar

Satyendra Kushwaha @ Satendra Kushwaha Son Of Parashram Kushwaha @
Prashuram Kushwaha R/O Village- Mahdah, P.S.- Buxar (m), District- Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nil Kamal, Adv.

Ms. Kumari Priyanka, Adv.

For the Opposite Party/s : Mr.Aditya Narayan Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-06-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Buxar (Muffasil) P.S. Case No. 224 of 2021 lodged under
Section 30(a) of Bihar Prohibition and Excise Amendment Act,
2018.

As per the allegation made in the F.I.R., the total
recovery of 747 liters of foreign liquor were made in this case.

Learned counsel for the petitioner submits that the
charge sheet has already been filed in this case and petitioner is
in custody since 10.12.2021. Learned counsel for the petitioner
has further submitted that recovery of wine has not been made
from the conscious possession of the petitioner. He also submits

that there are three cases pending against the petitioner out of three, two cases are related to other provision and not related to excise act and he is ready to provide an undertaking to this Court that in future he will not involve in such type of activity.

Learned A.P.P. has opposed the prayer for bail.

Considering the facts of the case and after perusal of records as well as this aspect that charge sheet has already been submitted and petitioner is in custody since 10.12.2021, let the petitioner above named, be granted bail on furnishing bail bond of Rs.50,000/- (Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge, Excise Act, Buxar in connection with Buxar (Muffasil) P.S. Case No. 224 of 2021.

But the criminal antecedent of the petitioner is not clean. Therefore, petitioner is directed to file an undertaking that he shall not involve in such types of activity in future before Trial Court at the time of furnishing his bail-bond.

The prosecution is at liberty to file cancellation of bail, in case the petitioner violates his undertaking.

(Dr. Anshuman, J)

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