

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10810 of 2022

Arising Out of PS. Case No.-353 Year-2021 Thana- GORAU District- Vaishali

MONU KUMAR @ DHIRAJ KUMAR Sonof Kishori Singh @ Kishori Prasad Singh Resident of Village - Rukmanjari, P.O.- Rasulpur Korigaon, P.s.- Goraul, Distt.- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No.II, Adv.

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-06-2022 Heard counsel for the petitioner and the learned A.P.P.
for the State.

The petitioner seeks regular bail in connection with Goraul P.S. Case No. 353 of 2021 lodged under Sections 272/273/420/467/468/471/34 of the Indian Penal Code, 1860 read with Section 30(a)/32(i)/32(iii)/36/41(i)(ii) of Bihar Prohibition and Excise Amendment Act, 2018.

As per the allegation made in the F.I.R., the total recovery of 2714 litres of wine was made in this case.

Learned counsel for the petitioner submits that nothing was recovered from the conscious possession of the petitioner and petitioner is in custody since 13.10.2021. He further submits that charge sheet has already been filed in this

case. On the point that the petitioner has criminal antecedent and he is involved in two similar type of cases, learned counsel for the petitioner submits that he is ready to file an affidavit before the court that he shall not involve in such type of activities in future.

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

Considering the facts that charge sheet has already been filed in this case and petitioner is in custody since 30.10.2021, let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Exclusive Special Excise Court no.1, Vaishali at Hajipur in connection with Goraul P.S. Case No.353 of 2021, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) At the time of furnishing bail bond, the petitioner shall file an affidavit to the effect that he shall not indulge himself in future in the similar type of offence. If it is found so, the prosecution will have liberty to file an application before the

court below for cancellation of the bail of the petitioner and the
learned court below will take decision in accordance with law.

The application stands disposed of.

(Dr. Anshuman, J)

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