

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12264 of 2022

Arising Out of PS. Case No.-38 Year-2020 Thana- ATRI District- Gaya

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AJAY KUMAR Son of Dina Nath Yadav, Resident of Village- Bisar, P.S.-
Muffasil in the District of Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary, Advocate
For the Opposite Party/s : Mr .Mritunjay Kumar Nirala APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Atri P.S. Case No. 38 of 2020 lodged under Sections 272, 273,
of the Indian Penal Code and Section 30(a) and 30(d) of Excise
Act.

As per allegation made in the F.I.R., total 30 litres of
Mahua wine alongwith utensils for preparation of wine alleged
to be recovered from the eastern bank of the river of village-
Murobigaha. It has been alleged that the petitioner had fled away
from the place of occurrence.

Learned counsel for the petitioner submits nothing
was recovered from the conscious possession of the petitioner.
His name has figured in the F.I.R. only on the basis of the

statement made by the local chowkidar. He further submits that petitioner has two criminal antecedent of same nature and he is assuring that from future he shall not involve in such type of offence. He further submits that petitioner is in custody since 08.01.2022 and charge sheet has already been filed.

Learned A.P.P. opposes the prayer for bail.

In the present facts and circumstances of the case that the charge sheet has already been submitted in this case, petitioner is in custody since 08.01.2022 and he is ready to submit an undertaking before the court, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court 1st., Gaya in connection with Atri P.S. Case No. 38 of 2020, 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.

Accordingly, the bail application stands disposed of.

(Dr. Anshuman, J)

ravishankar/-

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