

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16071 of 2022

Arising Out of PS. Case No.-369 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

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1. Mukesh Kumar Pashi Son Of Sattan Pashi @ Satan Pasi Resident Of Village - Thumha Ward No.13, P.S.- Pipra, Distt.- Supoul.
 2. Mukesh Kumar Pashi Thumha Ward No. 13 Thana Pipra District Supoul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 11-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Special Case No.369 of 2021 lodged under Sections 30(a), 56(b)
of the Bihar Prohibition and Excise Act 2016.

As per the prosecution case, the total recovery of 162
litres foreign liquor is subject matter of this case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that he is driver of the vehicle and from the dicky of the
vehicle, 162 litres foreign liquor are subject matter to be

recovered and it has been apprehended from the place of occurrence. Learned counsel for the petitioner submits that he was completely unaware what is kept in the dicky. He submits that he is in custody since 03.09.2021, charge sheet has already been filed in this case and petitioner has 2 criminal antecedent and in both cases, he is on bail.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Session Judge-II, Special Judge,(Excise), Kishanganj in connection with Special Case No.369 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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