

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23536 of 2022

Arising Out of PS. Case No.-91 Year-2022 Thana- Mairwan District- Siwan

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Ajay Devgan Son of Ram Ladaite Resident of Village - Paharpur, Police
Station- Piyani, District - Hardoi (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Adv.

For the Opposite Party/s : Mr. Arvind Kumar Pandey (App.84)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Mairwa P.S. Case No. 91 of 2022 lodged under Sections 30(a),
38(1), 41(1) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, the total recovery
157.550 litres of foreign wine and 180 litres of desi wine alleged
to be made in the present case.

Learned counsel for the petitioner submits that
petitioner is in custody since 12.03.2022 having clean
antecedent, he further submits that charge sheet has already
been filed in this case and assured to this Court that he shall not

involve in such type of case in future.

Learned counsel for the State opposes the prayer for bail and submits that bail may not be granted otherwise the petitioner shall involve in another similar type of offences again.

Considering the 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 Exclusive Special Excise Court No.1, Siwan in connection with Mairwa P.S. Case No. 91 of 2022, 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 resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation 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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