

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25152 of 2022

Arising Out of PS. Case No.-904 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Lala Kumar @ Nandesh Kumar Son of Ramesh Ray Resident of Village -
Arara, P.S.- Hajipur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. Sucheta Yadav, 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
Excise S. Case (GR) No. 954 of 2021 arising out of Hajipur
(Sadar) P.S. Case No. 904 of 2021 lodged under Section 414 of
the I.P.C. read with Section 30(a) of Bihar Prohibition and
Excise Act.

As per the prosecution case, total recovery of 167.400
litres of wine is subject matter of this present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Learned
counsel for the petitioner submits that the said recovery has not

been made from his possession. Learned counsel further submits that he has also not been apprehended from the place of occurrence. His name has figured in this case by virtue of the statement of Chaukidar. Learned counsel further submits that he is in custody since 22.03.2022, charge sheet has already been filed in this case. Learned counsel further submits that 3 criminal cases pending against him in which he is on bail and all the 3 criminal cases are not of excise matter rather it is of different nature..

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 Exclusive Special Court No.1 cum Additional Sessions Judge, Vaishali at Hajipur in connection with Excise S. Case (GR) No. 954 of 2021 arising out of Hajipur (Sadar) P.S. Case No. 904 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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