

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30392 of 2022

Arising Out of PS. Case No.-97 Year-2022 Thana- MINAPUR District- Muzaffarpur

1. Vishal Raj @ Aappu Singh Son of Vijay Singh Resident of village - Manikpur, P.S.- Badh, District - Patna.
2. Manoj Kumar Srivastava @ Manoj Srivastava Son of Pukar Lal Srivastav @ Pukar Lal Resident of village - Dhurwa, J.P. Market, P.S.- Dhurwa, District - Ranchi, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Adv.
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-11-2022 Let the defect(s), if any, be removed within two weeks from today.

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

The petitioners seek regular bail in connection with Minapur P.S. Case No. 97 of 2022 lodged under Sections 272, 273, 120(B), 34 of the I.P.C. read with Sections 30(a), 36, 41(1) of the Bihar Prohibition and Excise Act 2018.

As per the prosecution case, total recovery of 214.50 litres foreign wine is subject matter of this case from 2 cars.

Learned counsel for the petitioners submits that the said recovery from first car is 116.625 litres and from second

car is 97.875 litres. Learned counsel specifically submits that both petitioners are neither owner nor driver of the car rather they have taken lift in the respective cars. Learned counsel for the petitioners further submits that petitioners are in custody since 02.03.2022. Charge sheet has already been filed in this case. Learned counsel further submits that other co-accused persons have been by this Court vide order dated 01.11.2022 passed in Cr. Misc. No. 42988 of 2022.

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 petitioners 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, Muzaffarpur in connection with Minapur P.S. Case No. 97 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners 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 petitioners.

C. The petitioners 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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