

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38500 of 2022**

Arising Out of PS. Case No.-265 Year-2021 Thana- LADANIA District- Madhubani

Naresh Thakur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-08-2022 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
Ladaniya P.S. Case No. 265 of 2021 (G.R. No. 1587 of 2021)
lodged under Sections 272, 273 and 34 of the I.P.C. read with
Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, total recovery of 135
litres desi wine has been made.

Learned counsel for the petitioner submits that
recovery has not been made from the conscious possession of
the petitioner. He further submits that petitioner is in custody
since 25.04.2022 having clean antecedent and charge sheet has

already been filed in this case.

Learned counsel for the State submits that the petitioner has taken anticipatory bail by making wrong submissions by this Court, therefore, he did not deserve bail.

In the present facts and circumstances and the submissions made that in the present case the petitioner has not made any suppression rather he has stated each and everything in para 13 of the bail petition.

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 Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, District - Madhubani in connection with Ladaniya P.S. Case No. 265 of 2021 (G.R. No. 1587 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 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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