

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38948 of 2022

Arising Out of PS. Case No.-605 Year-2017 Thana- JAGDISHPUR District- Bhagalpur

Vijay Kumar Son of Laxmi Sharma R/o Village/Mohalla- Bhartiya Nagar
Batraha Ward No.-26, P.S. And District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subesh Sharma, Adv.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, 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
Jagdishpur P.S. Case No. 605 of 2017 (G.R. No. 7289 of 2017)
lodged under Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

As per the prosecution case, total recovery of 372.6
litres desi sharab has been made from the vehicle.

Learned counsel for the petitioner submits that he is
neither owner nor driver of the vehicle. He further submits that
he is not apprehended from the place of occurrence. His name
has figured in this case by virtue of the confessional statement

of the arrested person. He further submits that petitioner is in custody since 17.05.2022, charge sheet has already been filed in this case and having one criminal antecedent. He submits that he is ready to fulfill all the conditions whatsoever shall be imposed by the Court and also undertake that in future, he shall not involve in such crime.

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.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court A.DJ. 1st Bhagalpur in connection with Jagdishpur P.S. Case No. 605 of 2017 (G.R. No. 7289 of 2017), 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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