

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38403 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Shambhu Rai @ Shambhu Ray Son of Brahmadev Rai @ Brahmadev Ray
R/o Village- Diwantok, Ward No.08, P.S.- Ganga Bridge, Distt.- Vaishali At
Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachin Kumar, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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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
Hajipur Excise P.S. Case No. 74 of 2022 lodged under Sections
30(a), 32(1), 32(3), 41(1), 41(2) of Bihar Prohibition & Excise
(Amendment) Act, 2018.

As per the prosecution case, total recovery of 100
litres country made wine has been made from the tempo.

Learned counsel for the petitioner submits that
petitioner is a driver of the tempo and he is completely innocent
because he was going with passenger on the said tempo and not

checked his passengers that what they have kept with them. He further submits that petitioner is in custody since 05.06.2022, charge sheet has already been filed and he has criminal antecedent of 2 cases other than excise.

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 Excise, Court No. II, Vaishali at Hajipur in connection with Hajipur Excise P.S. Case No. 74 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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