

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38510 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- BALIA BELON District- Katihar

1. Naeshwar Sah Son of Sri Raghuvir Sah Resident of Village- Sahawan Tola, P.S.- K. Hat, District- Purnea
2. Prakash Kumar @ Prakash Kumar Ray Son of Late Om Prakash Ray Resident of Village- Brajesh Nagar, P.S.- K. Hat, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, 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 petitioners and learned A.P.P. for the State.

The petitioners seek regular bail in connection with Balia Belon P.S. Case No. 58 of 2022 lodged under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

As per the prosecution case, total recovery of 123.54 litres foreign liquor is alleged to be made from the tempo.

Learned counsel for the petitioners submit that the said recovery was not made from the conscious possession of the petitioners. He further submits that their antecedent are clean

and they are in custody since 29.05.2022, charge sheet has already been filed in this case.

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 Additional Sessions Judge-cum-Exclusive Special Judge Excise Court No. 1, Katihar in connection with Balia Belon P.S. Case No. 58 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 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 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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