

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38266 of 2022

Arising Out of PS. Case No.-761 Year-2020 Thana- KAHALGAON District- Bhagalpur

Kare Mandal S/o Late Tarni Mandal Resident of Village- Simaria, P.S.-
Rangra, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv.

For the Opposite Party/s : Mr. Anil Kumar, 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
Kahalgaon (Rasalpur) P.S. Case No. 761 of 2020 lodged under
Section 30(a) of Bihar Prohibition of Excise Act, 2016.

As per the prosecution case, total recovery of excise
material in the present case is 300 litres desi wine from the
Bolero vehicle.

Learned counsel for the petitioner submits that
petitioner is the owner of the Bolero vehicle but at the time of
occurrence, he was not present on the vehicle. Learned counsel
further submits that he is in custody since 29.04.2022, charge

sheet has already been filed in this case and having one criminal antecedent and ready to fulfill all the conditions which shall be imposed by the Court.

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 Special Judge Exclusive Excise Court No. 2, Bhagalpur in connection with Kahalgaon (Rasalpur) P.S. Case No. 761 of 2020, 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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