

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38511 of 2022

Arising Out of PS. Case No.-236 Year-2022 Thana- MADANPUR District- Aurangabad

Sakesh Kumar Son of Indradeo Rikiyasan Resident of village- Charaiya, P.S.-
Madanpur, District- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 38761 of 2022

Arising Out of PS. Case No.-236 Year-2022 Thana- MADANPUR District- Aurangabad

Ajay Rikiyasan Son of Late Kishu Rikiyasan R/o Village- Basantpur, P.S.-
Madanpur, District- Aurangabad (bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38511 of 2022)

For the Petitioner/s : Mr. Rupa Kumari, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

(In CRIMINAL MISCELLANEOUS No. 38761 of 2022)

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

For the Opposite Party/s : Mr. Ramesh Chandra, 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.Ps. for the State.

The petitioners seek regular bail in connection with
Madanpur P.S. Case No. 236 of 2022 lodged under Sections

272, 273 and 34 of the I.P.C. read with Section 30(a)/ 37 of the Bihar Prohibition and Excise Act, (Amended) 2022.

As per the prosecution case, total recovery of 14 litres of desi wine is alleged to be made from the possession of 3 named persons.

Learned counsel for the petitioners submit that name of both the petitioners not figured in the F.I.R. by which it is clear that from their possession of the recovery, said wine has not been made. They further submits that petitioner no. 1 is in custody since 22.05.2022 and petitioner no. 2 is in custody since 25.05.2022, their antecedents are clean and charge sheet has already been submitted.

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) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise – 1, Aurangabad, Bihar in connection with Madanpur P.S. Case No. 236 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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