

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39380 of 2022

Arising Out of PS. Case No.-263 Year-2022 Thana- FATEHPUR District- Gaya

UPENDRA SAO Son of - Kailash Saw Resident of Village - Regaini, P.S.-
Fatehpur, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-08-2022 Let the defects, as pointed out by the Office, be
removed within a period of two weeks from today.

Heard learned counsel for the petitioner and learned
APP for the state.

Petitioner seeks regular bail in connection with
Fatehpur P.S. Case No. 263 of 2022 alleged under Section 30(a)
of Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution, total recovery of 800 litres of
Mahua wine were made from four motorcycles.

Learned counsel for the petitioner submits that one
motorcycle belongs to the petitioner and he was apprehended
from the place of occurrence. He further submits that charge
sheet has already been filed and petitioner is custody since
12.05.2022 having clean antecedent. Learned counsel for the

petitioner further submits that in future he will not involve in such type of crime.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the 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 Exclusive Special Excise Court No. 1, Gaya in connection with Fatehpur P.S. Case No. 263 of 2022, subject to the conditions as laid down under Section 437(3) 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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