

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38008 of 2022

Arising Out of PS. Case No.-121 Year-2022 Thana- DHAKA District- East Champaran

1. Manish Kumar Son of Nandkishore Patel Resident of village- Karamava, P.s.- Dhaka, District- East Champaran
2. Sanjay Mahto @ Sanjay Prasad Kushwaha Son of Jagan Mahto Resident of village- Karsahiya, P.s.- Dhaka, District- East Champaran
3. Rajkumar Son of Jaimangal Sah Resident of village- Semra, P.s.- Dhaka, District- East Champaran
4. Shivjee Singh Son of Kamal Singh Resident of village- Asharam Madhubani, P.s.- Chiraiya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 38175 of 2022

Arising Out of PS. Case No.-121 Year-2022 Thana- DHAKA District- East Champaran

Satish Dubey S/o Shambhu Dubey Resident of Village- Barharawa, Phatmhamad, P.S.- Kundawa Chainpur, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38008 of 2022)

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

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 38175 of 2022)

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

For the Opposite Party/s : Mr. Sanjay 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 petitioners and learned

A.P.Ps. for the State.

The petitioners seek regular bail in connection with Dhaka P.S. Case No. 121 of 2022 lodged under Sections 30(a), 41(i) of the Bihar Prohibition and Excise Act.

As per the prosecution case, total recovery of excise material in the present case is 369 litres of Nepali wine. Counsel further submits that petitioners are apprehended on chase from the place of occurrence.

Learned counsel for the petitioners submit that petitioners are in custody since 02.03.2022, charge sheet has already been filed having clean antecedent.

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.20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No., East Champaran, Motihari in connection with Dhaka P.S. Case No. 121 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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