

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39385 of 2022

Arising Out of PS. Case No.-51 Year-2020 Thana- BARHARA District- Bhojpur

BHIM KUMAR Son of Manohar Mahto, Resident of Village - Saraiya, P.S.-
Barahara, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, 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 Excise
Case No. 326 of 2020 arising out of Barahara P.S. Case No. 51
of 2020 alleged under Section 30(a) of Bihar Prohibition and
Excise Amendment Act, 2018.

As per the prosecution, total 162 litres of country
made wine were alleged to be recovered from two motorcycles.

Learned counsel for the petitioner submits that he was
not named in the FIR but his name was figured in this case due
to the reason that he is owner of one motorcycle. In his defence,
counsel for the petitioner submits that one of the accused has

taken his motorcycle in good faith but subsequently committed this offence using his motorcycle without his intention and consent. Learned counsel for the petitioner further submits that he is in custody since 05.06.2022, charge sheet has already been filed and he has no criminal antecedent.

Learned counsel for the State opposes the prayer for bail.

In the above facts and circumstances 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 Exclusive Special Excise Court No.- 1, Bhojpur at Ara in connection with Excise Case No.326 of 2020 arising out of Barahara P.S. Case No. 51 of 2020, 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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