

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39000 of 2022

Arising Out of PS. Case No.-142 Year-2022 Thana- KOCHADHAMAN District- Kishanganj

Munna Kumar Son of Late Jagdish Sah R/o Village- Udakishanganj, Ward
No.-05, P.S.- Udakishanganj, District- Madhepura (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Suresh Prasad Singh, 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
Special Case No. 441 of 2022 arising out of Kochadhaman P.S.
Case No. 142 of 2022 lodged under Sections 30(a)/32/41/47 of
Bihar Prohibition and Excise Act, 2016-(18).

As per the prosecution case, total recovery of 90.51
litres foreign liquor was alleged to be made from the car.

Learned counsel for the petitioner submits that
petitioner is not the owner rather he is the driver of the car and
completely unaware that how such excise material has come
into car. It may happens that the passenger may keep those

material in the car.

Learned counsel for the petitioner submits that the antecedent of the petitioner is clean and in custody since 05.06.2022, charge sheet has already been filed in this case.

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 Addl. Distt. & Sessions Judge-II-cum-Special Judge (Excise) Kishanganj in connection with Special Case No. 441 of 2022 arising out of Kochadhaman P.S. Case No. 142 of 2022, 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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