

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39623 of 2022

Arising Out of PS. Case No.-99 Year-2022 Thana- DARIYAPUR District- Saran

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Nand Kishore Rai @ Nand Kishore Kumar Son of Shrist Rai @ Ram Shrisht
Rai Resident of village- Dharmangat, Ps.- Dariyapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra, Adv.

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-08-2022 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
Dariyapur P.S. Case No. 99 of 2022 lodged under Sections
30/30(a) of Bihar Prohibition and Excise Act.

As per the prosecution case, total recovery of 200
litres desi wine alleged to be made from a tempo. Petitioner is
the owner of the tempo.

Learned counsel for the petitioner submits that
petitioner is innocent. He submits that he has given his tempo on
rent to a person having valid driving license. He further submits
that he is a law abiding citizen having clean antecedent and in

custody since 28.04.2022, 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.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Exclusive Special Judge Excise Saran at Chhapra in connection with Dariyapur P.S. Case No. 99 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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