

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38462 of 2022

Arising Out of PS. Case No.-218 Year-2017 Thana- BAUNSI District- Banka

Rajiv Kumar Son of Jaykrishna Yadav R/o Village- Navatoliya, Ward No.-1,
P.S. And District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, 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
Bounsi P.S. Case No. 218 of 2017 (G.R. Case No. 2778 of 2017)
lodged under Section 30(a) of Bihar Prohibition and Excise Act,
2016.

As per the prosecution case, total recovery of 300
litres desi wine is alleged to be recovered from 2 vehicles.

Learned counsel for the petitioner submits that he is
owner of the Safari vehicle, from which 100 litres desi wine
recovered. He further submits that the owner was not present in
the vehicle and he has also not apprehended from the vehicle.

His vehicle was used by offenders, who had taken from him in good faith. He is neither physically nor mentally involved in such offence. Learned counsel for the petitioner further submits that petitioner's antecedent is clean and in custody since 19.05.2022, 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 Additional District and Sessions Judge II-cum-Spl. Judge (Excise) Banka in connection with Bounsi P.S. Case No. 218 of 2027 (G.R. No. 2778 of 2017), 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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