

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39602 of 2022

Arising Out of PS. Case No.-230 Year-2022 Thana- MAIRWAN District- Siwan

1. Sadhu Patel S/o- Late Tribhuwan Patel Vill - Bharsar, P.S - Dumhar, District - Balia.
2. Vikash Kumar S/o Ramesh Kumar Vill.- Maiki, P.S.- Garkha, District - Chapra.
3. Binod Kumar Dubey S/o- Late Lalan Dubey Vill- AGrauli, P.S.- Haldi, District - Balia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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 petitioners and learned A.P.P. for the State.

The petitioners seek regular bail in connection with Mairwa P.S. Case No. 230 of 2022 lodged under Sections 30(a) and 41(i) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, total recovery of 314 litres of whisky is alleged to be made from 2 vehicles, namely, TATA Indigo and Maruti Suzuki.

Learned counsel for the petitioners submit that all the

3 petitioners have apprehended from the place of occurrence. He further submits that petitioner no. 1 and 3 are the driver of the vehicle and petitioner no. 2 is the passenger. He further submits that they are completely unaware about the seized material. Counsel for the petitioners submit that they are in custody since 09.06.2022, charge sheet has been filed and their antecedent are clean.

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.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-II-cum-Spl. Judge, Excise, Siwan in connection with Mairwa P.S. Case No. 230 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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