

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43988 of 2022

Arising Out of PS. Case No.-114 Year-2022 Thana- AMBA District- Aurangabad

Uday Rajbanshi Son of Ram Vilas Rajwar Resident of Village - Sanda, Ward no.12, P.s.- Amba, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhanu Pratap Singh, Advocate.

For the Opposite Party/s : Mr. Akbar Ali, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 14-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Bhanu Pratap Singh, learned counsel for the petitioner and learned APP for the State, through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Amba P.S. Case No. 114 of 2022, for the offences punishable under Section Bihar 30(a) Prohibition and Excise (Amendment) Act, 2018 .

The police on a secret information, conducted raid and apprehended the petitioner. On search total 15 liters of country made *Chulaai* wine was recovered.

It is submitted by the learned counsel appearing on



behalf of the petitioner that from the seizure list, it is evident that the recovery has been made from a street, situated in front of the house of the petitioner and in fact no recovery has been made from the person or possession of the petitioner. He further submitted that there is no compliance of Section 100 of Cr.P.C. apart from the defiance of Section 81 and 82 of the Bihar Prohibition and Excise Act. He also submitted that the petitioner having fair antecedent, is in custody since 09.06.2022 and after completion of investigation charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a street, situated in front of the house of the petitioner and the petitioner having fair antecedent, is in custody since 09.06.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-I, Aurangabad, in connection with Amba P.S. Case No. 114 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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