

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42223 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- BALIA BELON District- Katihar

1. SOKESH KUMAR MEHTA S/o Mangan Mehta, Resident of Candi Kathua, P.S.- Muffasil Ranipatara, District- Purnea
2. Raja Kumar Das @ Raja Kr. Das S/o Late Ram Bahadur Das, Resident of Gumti Tola, P.S.- Muffasil Ranipatara, District- Purnea

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-08-2022 Let the defects, as pointed out by the Office, be removed within a period of two weeks from today.

Heard learned counsel for the petitioners and learned APP for the state.

Petitioners seek regular bail in connection with Balia Belon P.S. Case No. 68 of 2022 alleged under Section 30(a) of Bihar Prohibition and Excise Act.

As per the prosecution, total 70.59 litres of english wine were recovered from an auto.

Learned counsel for the petitioners submits that petitioners are neither owner nor the driver (para no.6 of the bail petition) of the said auto but merely passengers and they are

completely unaware that what is loaded in the tempo. Learned counsel for the petitioners further submits that charge sheet has already been filed in this case and petitioners are in custody since 14.06.2022 having clean antecedent.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, let the petitioners 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 A.D.J.-II-cum- Exclusive Special Judge, Excise Court No.1, Katihar in connection with Belon P.S. Case No. 68 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 their bail bonds.

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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