

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47621 of 2022

Arising Out of PS. Case No.-57 Year-2021 Thana- MALAYPUR District- Jamui

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Bikki Ram @ Vicky Kumar Son of Late Shambhu Ram Resident of Village -
Bhukhar Muhalla, P.S. and District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Malaypur P.S. Case No. 57 of 2021, lodged under Sections 372,
373/34 of Indian Penal Code read with Sections 30(a), 36, 41(i)
of the Bihar Prohibition and Excise Act.

As per prosecution case, the total recovery of 2160
liters of wine from a truck is the subject matter relating to the
present case.

Learned counsel for the petitioner submits that the
said recovery has not been made from the possession of
petitioner, neither he is owner nor driver of the said vehicle. He

further submits that name of petitioner has figured in this case by virtue of confessional statement of co-accused. He also submits that petitioner is in custody since 15.04.2022, there is one criminal case pending against him, in which he is on bail and charge sheet has already been filed in this case. Learned counsel for the petitioner further submits that for the same place and time of occurrence, there are 2 criminal case filed and this is the criminal antecedent of petitioner, otherwise prior to this case, the criminal antecedent of petitioner was 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 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 Special Court Excise Judge-I, Jamui in connection with Malaypur P.S. Case No. 57 of 2021, 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 be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship 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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