

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42804 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- ARER District- Madhubani

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Ganesh Shah @ Ganesh Thakur S/O Upendra Thakur Resident of village-
Kapasiya, P.S.- Arer, District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-08-2022 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 petitioners seek regular bail in connection with
Arer P.S. Case No. 58 of 2022 corresponding to G.R. No. 718 of
2022 lodged under Section 272, 273, 34 of the Indian Penal
Code read with Section 30(a) of the Bihar Prohibition & Excise
(Amendment) Act, 2018.

As per the prosecution case, the total recovery in this
case is 256 liters of foreign wine from the tempo.

Learned counsel for the petitioner submits that
petitioner has not been apprehended from the place of
occurrence. He further submits that his name has figured in this

case by virtue of confessional statement of co-accused and nothing was recovered from his possession. He further submits that petitioner is in custody since 24.05.2022, chargesheet has already been filed and petitioner has having clean antecedent.

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 Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Arer P.S. Case No. 58 of 2022 corresponding to G.R. No. 718 of 2022, 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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