

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44960 of 2022

Arising Out of PS. Case No.-269 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

Vivek Kumar @ Banty Singh Son of Raju Singh Resident of Village - Shiv Sagar, P.s.- Shiv Sagar, Distt.- Sasaram, rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Mohania P.S. Case No. 269 of 2022 registered
for the alleged offences under Sections 30(A) and 41(i) of the
Excise Act.

As per prosecution case, allegedly recovery of 241.5
of Indian made foreign liquor was made from a car and the
petitioner is stated to be the driver of the car who was
apprehended after chase.

Learned counsel for the petitioner submits that
nothing incriminating has been recovered from the conscious



possession of the petitioner and he has been roped in this case merely on suspicion. The petitioner is a driver and he has no concern with the alleged recovery. The petitioner is having clean antecedent. Charge sheet has been submitted in this case and the petitioner is in custody since 25.05.2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the clean antecedent of the petitioner along with the submission of charge sheet and his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge 2nd cum-Special Judge Kaimur at Bhabua in connection with Mohania P.S. Case No. 269 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the



court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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