

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47493 of 2022**

Arising Out of PS. Case No.-58 Year-2021 Thana- MALAYPUR District- Jamui

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Rupesh Kumar Sah @ Rupesh Kumar Saw @ Rupesh Saw Son Of Suresh  
Saw R/O Mohali Chuwan, P.S. And District- Giridih (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with  
**CRIMINAL MISCELLANEOUS No. 57747 of 2022**

Arising Out of PS. Case No.-58 Year-2021 Thana- MALAYPUR District- Jamui

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Shiv Prasan Singh S/o Late Raj Kumar Singh Resident of - Sector 9D,  
Quarter No.- 2033A, Near Shiv Mandir, P.S.- Bokaro, District- Bokaro

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 47493 of 2022)

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Adv.

For the Opposite Party/s : Mr. Asha Kumari, APP.

(In CRIMINAL MISCELLANEOUS No. 57747 of 2022)

For the Petitioner/s : Mr. Vijay Anand, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      04-11-2022                      Let the defect, if any, be removed within two weeks  
from today.

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

The petitioners seek regular bail in connection with  
Malaypur P.S. Case No. 58 of 2021 lodged under Sections 272

& 273/34 of the I.P.C. read with Sections 30(a), 36 & 41(i) of Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, the total recovery of 90 liters of foreign liquor is alleged to be recovered from the car and 4 persons were apprehended other than petitioners.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. He further submits that there are 4 persons who were apprehended and the apprehended persons disclosed the name of 11 more persons in this case and petitioners are one of them. He also submits that nothing was recovered from their possession. He further submits that petitioner of Cr. Misc. No. 47493 of 2022 is in custody since 23.05.2022 having 2 criminal cases pending against him in which he is on bail in both the cases and petitioner of Cr. Misc. No. 57747 of 2022 is in custody since 10.08.2022 having 5 criminal cases pending against him and out of 5 cases he is on bail in one case and persuading for bail in 4 cases. He further submits that charge sheet has already been filed in this case and petitioners are ready to fulfill all the conditions, whatsoever shall be imposed upon them by the Court.

Learned counsel for the State opposes the prayer for

bail and submits that antecedents of petitioners are not clean.

In the present facts and circumstances of this 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) each with two sureties of the like amount each to the satisfaction of learned Special Excise Court-1, Jamui in connection with Malaypur P.S. Case No. 58 of 2021, 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 be resulted into cancellation of their bail bond.

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

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of their present bail bonds.

With this observation, the bail applications stand  
allowed.

**(Dr. Anshuman, J.)**

ravishankar/-

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