

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47910 of 2022

Arising Out of PS. Case No.-111 Year-2020 Thana- GADHPURA District- Begusarai

Rishikesh Ishwar Son Of Sunil Ishwar R/O- Siuri, Ward No.-7, P.S.- Cheriya
Baryarpur (MANJHAUL O.P.), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Adv.

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

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
Gadhpora P.S. Case No. 111 of 2020 lodged under Section 30(a)
of the Bihar Excise and Prohibition Act.

As per the prosecution case, the total recovery of
971.52 litres liquor is subject matter of this case.

Learned counsel for the petitioner submits that the
said recovery has been made from a commercial truck of which
he is the driver. Learned counsel further submits that he was not
apprehended from the place of occurrence rather his name was
figured by virtue of confessional statement made by the other

co-accused. Learned counsel further submits that there is a gross violation in preparing seizure list. Learned counsel further submits that petitioner has given his vehicle to other person being the owner, for commercial purposes and he is completely unaware that for what purposes, he is using his vehicle. On his vehicle, the confiscation proceeding is going on. Learned counsel further submits that the apprehended persons from the place of occurrence have been granted bail by the Co-ordinate Bench of this Court vide Annexure- 2 series. Learned counsel further submits that petitioner is in custody since 13.06.2022, charge sheet has already been submitted.

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 Exclusive Excise Judge-1, Begusarai in connection with Gadhpura P.S. Case No. 111 of 2020, 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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