

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48047 of 2022

Arising Out of PS. Case No.-303 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

Rinku Bind S/o Gajar Bind R/o village- Dhadhaniah, P.S.- Bhabhua, District- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, 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 Bhabua P.S. Case No. 303 of 2022 lodged under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, the total recovery of 20 litres desi wine is subject matter of this case.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Learned counsel for the petitioner submits that the alleged recovery was not made from his conscious possession rather the said recovery was made from an abandoned place near plant of Madar.

Learned counsel further submits that he is in custody since 13.05.2022, Charge sheet has already been filed in this case. Learned counsel further submits that there are 2 criminal cases pending against petitioner in which he is on bail.

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 Addl. Sessions Judge-II-cum- Special Judge, Kaimur at Bhabua in connection with Bhabua P.S. Case No. 303 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 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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