

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48677 of 2022

Arising Out of PS. Case No.-217 Year-2021 Thana- PANDAUL District- Madhubani

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Juhi Sheikh @ Md Juhee S/o Gafoor Ahmad @ Abdul Gafoor Resident of
Village- Balha, P.S.- Pandaul, District- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

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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
Pandaul P.S. Case No. 217 of 2021 lodged under Sections 272,
273, 34 of the I.P.C. read with Sections 30(a), 36, 38, 41(i) of
the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, total recovery of
2716.560 litres of wine is alleged to be made from a poultry
farm.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that the said poultry farm is basically a closed unit and

kept in an abandon condition and not in a functional position. Counsel for the petitioner further submits that petitioner is having clean antecedent and he is in custody since 27.06.2022. Counsel further submits that charge sheet has already been filed in this case and other co-accused persons have been granted bail vide order dated 29.04.2022 passed in Cr. Misc. No. 20247 of 2022 (Annexure-4).

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.50,000/- (Rupees Fifty 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 Pandaul P.S. Case No. 217 of 2021, 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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