

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48682 of 2022

Arising Out of PS. Case No.-504 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

Gurpeet Singh Son of Sona Singh Resident of Village - Morinda shahid
Bhagat Singh colony, Ward No. 01, Police Station- Morinda, District - Rup
Nagar, Punjab.

... .. 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. Shyam Bihari Singh, 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
Mohania P.S. Case No. 504 of 2021 lodged under Sections 420,
467, 468, 471/34 of the I.P.C. read with Sections 30(a), 36/41(i)
of Bihar Prohibition and Excise (Amendment) Act, 2016.

As per the prosecution case, total recovery of 4605.12
litres of wine is the subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Counsel
directly mentioned that petitioner is basically a truck driver and

used to go from one State to another. Counsel submits that he was apprehended by the police but actually the petitioner is completely unaware as to what is loaded on the truck because he was only instructed to deliver the goods. Counsel submits that petitioner is in custody since 20.10.2021, charge sheet has already been filed in this case. There is only one antecedent of the petitioner other than the excise matter and the said case is relating to out of Bihar where he used to reside.

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 Sessions Judge-cum-Special Judge, Excise, Kaimur at Bhabua in connection with Mohania P.S. Case No. 504 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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