

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 49112 of 2022**

Arising Out of PS. Case No.-15 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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Ajmal Husain S/o Master Akhtar Sahav R/o Village - Diwan Bag, P.S.- Dev,
District - Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Kanhaiya Kishore, 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
Excise Case No. 15 of 2022 lodged under Section 30(a) of the
Bihar Prohibition and Excise (Prohibition) Act, 2018.

As per the prosecution case, total recovery of 149 liter
wine is subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He submits
that all the wine was apprehended by the police from the
possession of the driver. He further submits that petitioner is in

custody since 16.06.2022 having one criminal case pending against him, in which he is on bail. He also submits that the apprehended accused has already been granted bail by the Co-ordinate Bench of this Court vide order dated 09.03.2022 in Cr. Misc. No. 7345 of 2022.

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 – cum- Special Judge, Excise-2nd, Aurangabad, Bihar in connection with Excise Case No. 15 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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