

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48518 of 2022

Arising Out of PS. Case No.-239 Year-2020 Thana- BACHHWARA District- Begusarai

Video Roy @ Vedio Ray @ Vidiyo Rai Son of Ram Charitra Rai @ Chalitra
Rai Resident of village - Samartha, P.S.- Bibhutipur, District - Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No.1, Adv.

For the Opposite Party/s : Mr. Pronoti 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
Bachhwara P.S. Case No. 239 of 2020 lodged under Sections
414, 467, 468, 471 and 120B of the I.P.C. read with Sections
30(a), 32(ii) and 41 of the Bihar Prohibition and Excise Act,
2018.

As per the prosecution case, total recovery of
3616.200 litre 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. He submits
that nothing was recovered from his possession. He further

submits that the said recovery was made from the truck and the petitioner is neither the driver nor the owner of the truck. Counsel further submits that his name has figured in this case by virtue of the confessional statement of the truck driver. Counsel further submits that petitioner is in custody since 12.07.2022. There are in total 6 criminal cases pending against him in which he is on bail in 4 cases and in rest 2 cases he is persuading for bail.

Counsel for the petitioner submits that the said truck driver from whom recovery of the above wine has been made has been granted bail by the Co-ordinate Bench of this Court vide order dated 16.11.2021 passed in Cr. Misc. No. 25007 of 2021 (Annexure-3).

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 Court of Exclusive Excise Judge-1, Begusarai in connection with Bachhwara P.S. Case No. 239 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.)

sadique/-

U		T	
---	--	---	--