

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48708 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- PATNA CITY CHOWK District- Patna

Golu Kumar @ Goldi Son of Late Hari Ray Resident of Village -
Kaimashikoh, P.S.- Chowk, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, 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
Special Case No.- 2383 of 2021 (arising out of Chowk P.S. Case
No. 99 of 2021) lodged under Section 30(a) of Bihar Prohibition
and Excise Amendment Act, 2018.

As per the prosecution case, total recovery of 90 litres
wine is alleged to be made from tempo.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He submits
that the said recovery was not made from his possession rather it
has been made from the possession of the tempo and the owner

and driver of the tempo has been apprehended from the place of occurrence but in jealous, they have confessed the name of the petitioner in the said crime. Counsel further submits that petitioner is in custody since 22.04.2022. On the point of his criminal antecedent, counsel submits that there are 4 criminal cases pending against him and he is on bail in all the 4 cases.

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 Special Judge, Excise, Patna City in connection with Special Case No.-2383 of 2021 (arising out of Chowk P.S. Case No. 99 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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