

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 49386 of 2022

Arising Out of PS. Case No.-288 Year-2021 Thana- RAJAOLI District- Nawada

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Bhajju Rajvanshi S/o Rohan Rajbanshi Resident of Village- Kunbhiyatari,
P.S.- Sirdala, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivek Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Braj Kishore Pd.(App), APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-12-2022 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
Rajauli P.S. Case No. 288 of 2021 lodged under Section 30(a)
(d)/41 of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, total recovery of 200 liter
of *mahua* wine has been made, which 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 from the seizure list it transpires that the said recovery has
been made in the Kumbhiyatari village and not from the

conscious possession of the petitioner. He further submits that petitioner is in custody since 13.01.2022. Charge-sheet has already been filed in this case.

Learned counsel for the petitioner submits that due to miscommunication about criminal antecedent he has disclosed 2 criminal cases pending against the petitioner but there are 3 criminal cases pending against the petitioner and he is on bail in all 3 cases, for which he has submitted supplementary affidavit in the present case.

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 Court below, Nawada in connection with Rajauli P.S. Case No. 288 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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