

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49805 of 2022

Arising Out of PS. Case No.-138 Year-2021 Thana- FULKAHA District- Araria

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Krishna Yadav @ Krishna S/O Chandra Kishore Yadav @ Chandkisher
Yadav, Resident Of Village- Mirzapur (posdaha), P.S.- Fulkaha, District-
Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-11-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Fulkaha P.S. Case No. 138 of 2021 lodged under Sections 30(a)
and 41(i) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, total recovery of 76.500
liters of Nepali 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 further
submits that the said recovery was made from a motorcycle
which does not belong to the petitioner. He further submits that

the owner of the motorcycle fled away from the place of occurrence and petitioner is basically taken lift on the motorcycle and completely unaware about the said fact. He further submits that there are two criminal antecedents of the petitioner and petitioner is on bail on those cases. He further submits that petitioner is in custody since 17.09.2021 and charge sheet has already been filed in this 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 2nd Additional Sessions Judge-cum-Special Judge (Excise Act), Araria in connection with Fulkaha P.S. Case No. 138 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 an 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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