

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49800 of 2022

Arising Out of PS. Case No.-247 Year-2022 Thana- RAJGIR District- Nalanda

1. Shankar Thakur S/O Ruplal Thakur Resident of Village- Gainda, P.S.- Vishnugarh, District- Hazaribagh (Jharkhand)
2. Shyam Lal S/O Jiblal Swa Resident of Village- Gainda, P.S.- Vishnugarh, District- Hazaribagh (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

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

Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual mode.

The petitioners seek regular bail in connection with Rajgir P.S. Case No. 247 of 2022 lodged under Sections 414, 419, 420, 467, 468, 471, 120(B) and 34 of the I.P.C. read with Section 30(a) of Bihar Prohibition and Excise Act.

As per the prosecution case, the total recovery of 173.295 litre of English wine is the subject matter of the present case.

Learned counsel for the petitioners submit that there

are 2 petitioners in this case, one is the driver and another is the Khalasi of the vehicle from whose possession the said recovery was alleged to be made. Learned counsel submits that antecedent of the petitioners are clean and they are in custody since 05.05.2022, charge sheet has already been filed in this case. Learned counsel submits that they shall not involve in such type of crime in future.

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 petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Court, Excise IInd, Nalanda at Bihar Sharif in connection with Rajgir P.S. Case No. 247 of 2022 , subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners 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 petitioners.

C. The petitioners 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.)

prakashmani/-

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