

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50854 of 2022

Arising Out of PS. Case No.-165 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Rahul Kumar S/o Mritunjay Ray @ Mritunjay Kumar Ray Resident of House
No. SF-3, B-10/8, DLF Ankur Vihar, P.S.- Loni, Distt.- Gaziabad (Uttar
Pradesh).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-10-2022 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
Excise P.S. Case No. 165 of 2022 lodged under Section 30(a) of
Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, the total recovery of
175.320 litres of wine was alleged to be made from the vehicle
which belongs to the petitioner.

Learned counsel for the petitioner submits that
petitioner is the owner of the vehicle but at the time of alleged
raid, petitioner was not present near the vehicle. Learned

counsel for the petitioner further submits that police has broken back window of the car and made allegation that wine has been recovered. Upon oppose, police has apprehended the petitioner. Learned counsel for the petitioner submits that petitioner antecedent is clean and he is in custody since 05.06.2022.

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- 2 Samastipur, in connection with Excise P.S. Case No. 165 of 2022, 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.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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