

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 50276 of 2022

Arising Out of PS. Case No.-101 Year-2022 Thana- NAYAGAON District- Saran

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Munni Sahni S/o Late Jagarmath Sahani Resident of Village- Makara, P.S.-
Nayagaon, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, 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.

The petitioner seeks regular bail in connection with
Nayagaon P.S. Case No. 101 of 2022 lodged under Section
-30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, total recovery relating to
the present petitioner case is 110 liters of *desi sharab*.

Learned counsel for the petitioner submits that the
alleged recovery has been made from the bed of river and not
from the possession of the present petitioner. He further submits
that the petitioner was not apprehended from the place of
occurrence rather on the basis of name disclosed by the local

persons his name was figured in this case.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 17.06.2022 having clean antecedent.

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 10th Additional Sessions Judge-cum-Special Excise Judge-2, Saran at Chapra in connection with Nayagaon P.S. Case No. 101 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.

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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