

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50816 of 2022

Arising Out of PS. Case No.-204 Year-2021 Thana- RASULPUR District- Saran

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Ajay Singh S/o Late Jagdish Singh Resident of Village- Baidapur Vishunpura,
P.S.- Draauda, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Archana Sinha @ Archana Shahi, Adv.

For the Opposite Party/s : Mr. Rana Randhir 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
Rasulpur P.S. Case No. 204 of 2021 lodged under Sections 30(a)
of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, the total recovery of
1359.09 litres of wine has been made from the present case.

Learned counsel for the petitioner submits that from
the Seizure list, it transpires that the alleged recovery were made
from one Beloro and also from one Alto car whose details are
given in the Seizure list. Learned counsel for the petitioner
further submits that he was not apprehended from the place of

occurrence. It is also submitted that he is neither owner nor driver of the vehicle. His name has disclosed by the co-accused who were apprehended from the place of occurrence. Learned counsel for the petitioner further submits that he is in custody since 14.07.2022 and there are 2 criminal antecedent, one is related to Excise matter and another is non-Excise matter but in both the cases, petitioner is on bail. Learned counsel for the petitioner further submits that other co-accused persons were granted bail by the Co-ordinate Bench of this Court vide order dated 11.02.2022 and 02.03.2022, passed in Cr. Misc. No. 65646 of 2021, Cr. Misc. No. 65613 of 2021 and Cr. Misc. No. 72619 of 2021.

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 Exclusive Special Excise Court, Saran at Chapra in connection with Rasulpur P.S. Case No. 204 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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