

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51142 of 2022

Arising Out of PS. Case No.-412 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

Shahabu Miyan S/O Ramjan Miyan, Resident of Village- Karpalia, P.S.-
Gorya Kothi, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

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

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
Siwan Muffasil P.S. Case No. 412 of 2022 lodged under Section
30(a) of the Bihar Prohibition Excise Act, 2016.

As per prosecution, the total recovery of excise
material relating to the present case is 132 liters of foreign
liquor.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that from the seizure list, it transpires that the said
recovery has taken place from Siwan Mairwa main road in front

of petrol pump. Learned counsel further submits that petitioner is neither owner nor driver of the vehicle. He further submits that the antecedent of the petitioner is clean and he is in custody since 21.07.2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the 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 Exclusive Special Judge, Excise Court No.II, Siwan in connection with Siwan Muffasil P.S. Case No. 412 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 an 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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