

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52028 of 2022

Arising Out of PS. Case No.-314 Year-2019 Thana- KHAJEKALA District- Patna

Sanjay Kumar Keshri @ Sanjay Keshri S/O Late Krishna Prasad Keshri, R/O
Mohalla- Pashim Darwaja, Keshri Market, Kali Mandir, P.S.- Khajekalan,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-11-2022 Let the defect, 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
Special Case No. 6778 of 2019 arising out of Khajekalan P.S.
Case No. 314 of 2019 lodged under Sections 30(a), 38 and 41 of
the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, total recovery of 56 liter
country made wine is the subject matter of the present case.

Learned counsel for the petitioner submits that from
the seizure list it transpires that nothing was recovered from
possession of the petitioner and it was kept at a place, which is

basically a public in nature. The place of recovery is a *gausala* which is nearby place from the market of the petitioner. Counsel further submits that petitioner is in custody since 28.05.2022 and charge sheet has already been submitted in this case. He further submits that there are two criminals cases pending against the petitioner and he is on bail in both cases and petitioner has not apprehended from the place of occurrence. He further submits that the name of the petitioner has figured in this case on the secret information.

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, Patna City, Patna in connection with Special Case No. 6778 of 2019 arising out of Khajekalan P.S. Case No. 314 of 2019, 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.

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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