

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51404 of 2022

Arising Out of PS. Case No.-605 Year-2022 Thana- KANKARBAG District- Patna

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Pawan Kumar Son of Late Ram Chandra Saw, Resident of Village -
Chidaiyatand Postal Park Road No. 2, P.S.- Kankarbagh, Distt. - Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jyoti Ranjan Jha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 11-11-2022 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
Special Case No. 3778 of 2022 arising out of Kankarbagh P.S.
Case No. 605 of 2022, lodged under Section 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2018.

As per prosecution case, the total recovery of 14.43
liters of wine is the subject matter relating to the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that the said recovery was not made from the conscious
possession of petitioner, rather it was recovered from the

outhouse of petitioner which was used by normal public to visit. Learned counsel for the petitioner also submits that petitioner is in custody since 05.07.2022 and charge sheet has already been filed in this case.

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 in connection with Special Case No. 3778 of 2022 arising out of Kankarbagh P.S. Case No. 605 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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