

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51470 of 2022

Arising Out of PS. Case No.-108 Year-2017 Thana- AMAS District- Gaya

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Kanhaiya Pandey S/o Parash Nath Pandey Resident of Village- Konar, P.S.-
Shivsagar, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, 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
Amas P.S. Case No. 108 of 2017, lodged under Sections 272,
273, 34 of Indian Penal Code read with Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the total recovery relating to
the present case is 157 liter of English wine.

Learned counsel for the petitioner submits that
petitioner is not apprehended from the place of occurrence. He
further submits that initially the name of petitioner is not figured
in the case but subsequently one of the named accused has

disclosed the name of petitioner. Learned counsel for the petitioner further submits that it is an excise case and since petitioner was not named in the F.I.R. it means that nothing was recovered from his possession. He further submits that petitioner is in custody since 27.06.2022 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 Exclusive Special Excise Judge, Court No.2, Gaya in connection with Amas P.S. Case No. 108 of 2017, 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.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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