

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52713 of 2022

Arising Out of PS. Case No.-144 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Suresh Kumar @ Suresh Mandal Son Of Shiv Shankar Das Resident Of
Village- Dhunha, Bahani Bhalwa, P.S.- Gamhariya, District- Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-10-2022 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.

The petitioner seeks regular bail in connection with
Mufassil P.S. Case No. 144 of 2020 lodged under Section
120(B) of the I.P.C. read with Sections 30(A), 32, 41(1) of Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, the total recovery of
2,744 litres of foreign liquor has been made in this case.

Learned counsel for the petitioner submits that he has
not been apprehended from the place of occurrence. He also
submits that nothing has been recovered from the conscious

position of petitioner. He further submits that he is the truck owner and he has handed over this truck to driver to do the commercial work but without his permission, the driver has done this work due to which his truck was apprehended along with other persons. Learned counsel for the petitioner submits that there are series of persons made accused in this case and many of them were granted anticipatory bail in this case vide order dated 30.01.2021 passed in Cr. Misc. No. 25960 of 2020, dt. 22.03.2021 passed in Cr. Misc. No. 34600 of 2020, dt. 24.06.2021 passed in Cr. Misc. No. 36785 of 2020, dt. 03.08.2021 passed in Cr. Misc. No. 17897 of 2021 and co-accused have granted regular bail vide order dt. 24.07.2020 passed in Cr. Misc. No. 22049 of 2021 and dt. 15.11.2021 passed in Cr. Misc. No. 21276 of 2021.

Learned counsel for the petitioner submits that petitioner after getting knowledge has surrendered in this case on 24.06.2022.

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-1st Begusarai in connection with Muffasil P.S. Case No. 144 of 2020, 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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