

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52691 of 2022

Arising Out of PS. Case No.-305 Year-2020 Thana- WAJIRGANJ District- Gaya

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Ashok Yadav Son of Late Baleshwar Yadav Village - Chanda Khurd, P.S.-
Wazirganj, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary, Adv.

For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 06-12-2022 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
Wazirganj P.S. Case No. 305 of 2020 lodged under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, total recovery of 40 liter
of country-made wine has been made from a motorcycle, which
is subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that petitioner is in custody since 13.06.2022 having
one criminal case pending against him, in which he is on bail.

Charge-sheet has already been filed in this case. Learned counsel for the petitioner submits that the alleged recovery has been made from the driver of the motorcycle, who has been apprehended upon chase. He further submits that admittedly the motorcycle does not belong to the petitioner.

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 Court of Excise Court No. 1, Gaya in connection with Wazirganj P.S. Case No. 305 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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