

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52089 of 2022

Arising Out of PS. Case No.-189 Year-2022 Thana- RAJAON District- Banka

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Mantu Singh S/o Ashok Singh R/o village- Maheshkhunt, Kushwahanagar,
P.S.- Maheshkhunt, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Md. Matloob Rab, 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
Special Excise- 436 of 2022 arising out of Rajoun (Nabada O.P.)
P.S. Case No. 189 of 2022 lodged under Sections 30(a), 32(2) of
the Bihar Prohibition and Excise Act.

As per the prosecution case, the total recovery of
133.500 litres of the country made foreign liquor was alleged to
be made in this case.

Learned counsel for the petitioner submits that the
said recovery was made from the vehicle. The said vehicle was
not belongs to the petitioner. He is the driver of the said vehicle

and completely unaware that who has kept this excise material in the car. Owner of the car is also arrested with him. Learned counsel for the petitioner submits that antecedent of the petitioner is clean and he is in custody since 07.05.2022.

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 Addl. District and Session Judge, 2nd-Cum-Special Judge Excise Act, Banka in connection with Special Excise- 436 of 2022 arising out of Rajoun (Nabada O.P.) P.S. Case No. 189 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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