

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53175 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- BYPASS District- Patna

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1. Sunil Kumar @ Sunil Beldar S/O Vishwanath Beldar @ Bela Beldar
Resident of Bahari Begampur Beldari, P.S.- Bypass, District- Patna.
 2. Nanhak Beldar @ Nanhak Beldar S/O Vishwanath Beldar @ Bela Beldar
Resident of Bahari Begampur Beldari, P.S.- Bypass, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual mode.

The petitioners seek regular bail in connection with
Bypass P.S. Case No. 48 of 2022 lodged under Section 30(a) of
Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, total recovery of 221 litre
desi Mahua wine has been made, which is the subject matter of
the present case.

Learned counsel for the petitioners submit that
petitioners are innocent and have committed no offence. It has

been submitted that the alleged recovery was not made from their possession rather the said recovery was made in a bush situated near northern side of the Mahavir Temple, P.S. Bypass Patna.

Learned counsel for the petitioners further submit that petitioners are in custody since 06.08.2022 and that the charge sheet has already been filed in this case. Counsel further submits that there is one criminal antecedent of the petitioner no. 1 who is on bail whereas antecedent of petitioner no. 2 is clean. Counsel further submits that they have not been apprehended from the place of occurrence and their names have figured in this case by virtue of the secret information to the police.

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 no. 1 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 City in connection with Bypass P.S. Case No. 48 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.

So far as petitioner no. 2 is concerned, he may also 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 City in connection with Bypass P.S. Case No. 48 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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