

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53185 of 2022

Arising Out of PS. Case No.-409 Year-2021 Thana- KOTWALI District- Munger

1. Pandav Kumar @ Tippo Son of Sri Dilip Yadav Resident of Village - Shairpur, P.O.- Basudeopur, P.S.- Kotwali (Basudeopur), District - Munger.
2. Sittu Kumar Son of Sri Vijay Yadav Resident of Village - Shairpur, P.O.- Basudeopur, P.S.- Kotwali (Basudeopur), District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar Karan, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, 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
Munger Kotwali P.S. Case No. 409 of 2021 lodged under
Sections 30(a)/32 of Bihar Prohibition and Excise Amendment
Act, 2018.

As per the prosecution case, total recovery of 1128
litre of wine is the subject matter of the present case.

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

Counsel submits that the said recovery was not made from the possession of the petitioners and their names have figured in this case by virtue of the confessional statement of other co-accused who have been granted bail by this Court. Counsel submits that petitioner no. 1 is in custody since 05.08.2022 and petitioner no. 2 is in custody since 08.08.2022, both are by way of surrender.

Counsel for the petitioners further submit that charge sheet has already been filed in this case and it has also been submitted that petitioner no. 1 has 3 criminal antecedent and petitioner no. 2 has 7 criminal antecedent. In all the cases both the petitioners are on bail. Counsel further submits that the co-accused have been granted bail vide order dated 22.11.2021 and 13.05.2022 passed in Cr. Misc. No. 69038 of 2021 and Cr. Misc. No. 15200 of 2022 respectively.

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 petitioners above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise- II, Munger in connection with Munger Kotwali P.S. Case No. 409 of 2021,

subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners 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 petitioners.

C. The petitioners 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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