

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52643 of 2022

Arising Out of PS. Case No.-261 Year-2022 Thana- KATEYA District- Gopalganj

Raj Kumar Arya @ Raj Kumar S/O Chhangur, Resident Of Village- Adhya Tola, Hatwa, P.S.- Kasya, District- Kushinagar (uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 11-11-2022 Let the defect, 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 Kateya P.S. Case No. 261 of 2022 lodged under Section 414 of the I.P.C. and section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, total recovery of 278.55 liters of foreign liquor is the subject matter of the present case.

Learned counsel for the petitioner submits that petitioner is the driver of the Bolero vehicle from which the said recovery of foreign liquor is alleged to be made. Learned counsel further submits that petitioner is the driver and he is

completely unaware that what is loaded on the same. He further submits that there is no antecedent of the petitioner relating to excise matter and one case is pending other than excise matter in which he is on bail. He further submits that petitioner is in custody since 15.06.2022 and charge sheet has already been filed in this case.

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. Sessions Judge-II-cum-Special Judge, Excise-I, Gopalganj in connection with Kateya P.S. Case No. 261 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 an 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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