

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 52681 of 2022

Arising Out of PS. Case No.-502 Year-2020 Thana- FATUA District- Patna

Radhey Shyam Kumar @ Radhe Shyam Yadav@ Radhe Shyam S/o Late
Kamla Prasad @ Late Kamal Sharan Singh Resident of Village- Badi
Ranipur, P.S.- Fatuha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, 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 petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Fatuha P.S. Case No. 502 of 2020 lodged under Section 30(a) of
Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, total recovery of 80 litres
Mahua liquor is the subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. As per the
seizure list, the said recovery was made from a Banana orchard
and not from the possession of the petitioner. Counsel submits

that petitioner has not been apprehended from the place of occurrence and his name has figured in this case by virtue of the secret information provided to the police. Counsel further submits that petitioner is in custody since 01.08.2022, charge sheet has already been filed in this case. Counsel submits that antecedent of the petitioner is not clean. There are 2 criminal cases pending against him and in both the cases he has been granted bail.

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 Exclusive Special Judge Excise Patna City, Patna in connection with Fatuha P.S. Case No. 502 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, his bail bond shall be cancelled.

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 be involved in such criminal activity during the continuance of the present bail bond, violation of this condition shall result into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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