

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52307 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- CHARPOKHARI District- Bhojpur

Rishi Sah @ Rishi Kumar Sah S/o Angad Sah R/o village- Charpokhari, P.S.-
Charpokhari, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kahkashan Alam, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 18-11-2022 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
Charpokhari P.S. Case No. 39 of 2022 lodged under Section
30(a) of Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, total recovery of 22.8
litre English wine alongwith other excise materials are subject
matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Counsel
further submits that recovery has not been made from his
possession rather it has been made from one Santosh Kumar

Singh's motorcycle. Counsel further submits that there are 2 criminal cases pending against the petitioner in which petitioner is on bail. Counsel further submits that petitioner is in custody since 12.04.2022, charge sheet has already been filed in this case. Counsel for petitioner further submits that the 2 similarly situated co-accused have been granted bail by the Co-ordinate Bench of this Court vide order dated 24.08.2022 and 23.09.2022 passed in Cr. Misc. No. 30700 of 2022 and Cr. Misc. No. 38330 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 petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Exclusive Special Excise Court Bhojpur at Ara in connection with Charpokhari P.S. Case No. 39 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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