

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52636 of 2022

Arising Out of PS. Case No.-263 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Sumit Kumar Agarwal Son Of Late Deep Chandra Agarwal, Resident Of
Awash Vikash Colony, Tulsi Nagar, Padrauna, P.S.- Kotwali Padrauna,
District- Kushinagar, Uttar Pradesh

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2022 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.

The petitioner seeks regular bail in connection with
Motipur P.S. Case No. 263 of 2022 lodged under Sections
30(a)/32(i)(ii)/36/41(i) of Bihar Prohibition of Excise Act, 2018.

As per prosecution, the recovery of 72 liters of wine
from Brezza car and 1126 liters of wine from Bolero Pick Up
Van were made.

Learned counsel for the petitioner submit that there
were three vehicles tried to apprehend by the police but the
driver of Alto car become successful to flee from the place of

occurrence. Learned counsel further submits that he is the owner of the vehicle and used to do the *Patal* and *Bakery* business in Patna. He further submits that petitioner is completely innocent and has committed no offence. Learned counsel further submits that the petitioner is in custody since 23.07.2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the 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 Special Judge (Excise), Court No.II, Muzaffarpur in connection with Motipur P.S. Case No. 263 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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