

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53969 of 2022**

Arising Out of PS. Case No.-28 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Rohtas

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Baula Singh @ Raj Kumar Singh Son of Shri Surendra Mahto Resident of  
Village - Nayakagaon, P.S.- Darigaon, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shankar Kumar, Adv.  
For the Opposite Party/s : Mr. Upendra Kumar, APP

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**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  
Excise Case No. 49 of 2022 arising out of Sadar Anchal  
Information No. 28/22 lodged under Section 30(a) of Bihar  
Prohibition and Excise Amendment Act, 2018.

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

Learned counsel for the petitioner submits that  
petitioner is innocent and has committed no offence. Learned  
counsel submits that as per the Seizure list, the recovery has

been made on the northern side of the road and not from the possession of the petitioner. Learned counsel submits that nothing was recovered from the possession of the petitioner and his name has figured in this case by virtue of confessional statement of the co-accused. Learned counsel further submits that there are 2 antecedent of the petitioner and in one case, he is on bail and in another case, he is persuading for bail. Learned counsel further submits that petitioner is in custody since 28.03.2022 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 Exclusive Special Judge, Excise-1, Rohtas at Sasaram in connection with Excise Case No. 49 of 2022 arising out of Sadar Anchal Information No. 28/22, 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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