

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53893 of 2022

Arising Out of PS. Case No.-32 Year-2021 Thana- DEWARIA District- Muzaffarpur

Rahul Kumar Son of Mahesh Chaudhary R/V- Deoria Baniya Tola, P.S-
Deoriya, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 30-11-2022 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
Deoriya P.S. Case No. 32 of 2021 lodged under Sections 272,
273, 34 of the I.P.C. and Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

As per the prosecution case, total recovery of 107.625
liter wine has been made, which is a subject matter of the
present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that petitioner is in custody since 22.06.2022 having

one criminal case pending against him, in which he is persuading for bail. Charge sheet has already been filed in this case. Learned counsel for the petitioner submits that there is gross violation of Section 100 of the Cr.P.C. in preparing the seizure list. He also submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him. He further submits that petitioner was not present at the place of crime. Learned counsel submits that the said recovery was made from the house of the petitioner.

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 Court of Special Judge Excise, Court-2, Muzaffarpur in connection with Deoriya P.S. Case No. 32 of 2021, 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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