

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53970 of 2022

Arising Out of PS. Case No.-222 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

Sudhir Kumar @ Bhiva @ Sudhir Kumar Paswan Son of Chandeshwar
Paswan Resident of Village - Sita Bigha, P.s.- Sasaram (Muff.), Distt.- Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Murari, Adv.

For the Opposite Party/s : Mr. Rabindra Kumar, 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
Sasaram(Muffasil) P.S. Case No. 222 of 2021 lodged under
Section 30(a) of Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, the total recovery of 4806
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 the said recovery was made from a truck
which does not belongs to the petitioner. Learned counsel
further submits that petitioner is neither driver nor owner of the

truck. 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 in which he is on bail. He further submits that petitioner is in custody since 13.07.2022 and charge sheet has already been filed in this case. Learned counsel further submits that the other co-accused has been granted bail by the Co-ordinate Bench of this Court vide order dated 22.07.2022 passed in Cr. Misc. No. 18476 of 2022.

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 Spl. Excise Court No.II, cum Addl. District and Sessions Judge, Rohtas at Sasaram in connection with Sasaram(Muffasil) P.S. Case No. 222 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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