

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52928 of 2022

Arising Out of PS. Case No.-426 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

Surendra Singh S/o Bharat Singh R/o village- Kathani Kala, P.S.- Bahail,
District- Bhiwani (Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gautam Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, 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
Mohaniya P.S. Case No. 426 of 2022 lodged under Sections
420, 467, 468, 471/34 of I.P.C. read with Sections 30(a), 36,
41(1) of Bihar Prohibition and Amendment Excise Act.

As per the prosecution case, total recovery of 3078.36
litre English wine is the subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Petitioner
is alleged to be the driver of the truck but counsel submits that
he is completely unaware that what is loaded in the truck.

Counsel submits that petitioner's antecedent is clean and he is in custody since 06.08.2022 and charge sheet has already been submitted 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 Additional District and Sessions Judge-IV-cum-Special Judge Excise Court No.1, Kaimur Bhabhua in connection with Mohaniya P.S. Case No. 426 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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