

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54180 of 2022

Arising Out of PS. Case No.-459 Year-2021 Thana- PHULPARAS District- Madhubani

SANTOSH YADAV Son of Raja Ram Yadav, Resident of Village - Phulkahi,
P.S.- Phulparas, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Advocate
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-11-2022 Let the defect, 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
Phulparas P.S. Case No. 459 of 2021 lodged under Section 30(a)
of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, total recovery of 639 liters of
wine is the subject matter of the present case.

Learned counsel for the petitioner submits that from
the F.I.R. and seizure list, it transpires that alleged recovery of
wine has not been made from the possession of the petitioner
rather he is recovered from the mango orchard of other person.
He further submits that petitioner is in custody since

22.05.2022. He further submits that there are 2 criminal cases pending against the petitioner and he is on bail in both cases.

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 Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 459 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 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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