

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54006 of 2022

Arising Out of PS. Case No.-107 Year-2021 Thana- SIKARPUR District- West Champaran

Munna Kumar @ Ajay Kumar @ Munna Jaiswal Son Of Late Shambhu Jaiswal @ Shambhu Sah R/O Mohalla- Srivastava Colony, Ward No.-01, Narkatiaganj, P.S.- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr. Madan 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 Shikarpur P.S. Case No. 107 of 2021 lodged under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, the total recovery of 166.77 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 has not been made from the possession of the petitioner rather from the Seizure list, it

transpires that it has been recovered on the barren land of one Namilal Sah. Learned counsel further submits that there are 2 criminal antecedent of the petitioner in which he is on bail. Learned counsel further submits that petitioner is in custody since 29.04.2022 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, West Champaran at Bettiah in connection with Shikarpur P.S. Case No. 107 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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