

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53722 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- KIUL RAIL P.S. District- Lakhisarai

Anil Yadav Son of Late Matuki Yadav Resident of Village- Nista, P.S-
Surajgarha, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vipin Kumar, Adv.

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 26-11-2022 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
GRP Kiul P.S. Case No. 65 of 2022 lodged under Section 30(a)
of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, total recovery of 9 liter
wine is 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 16.06.2022 having 2
criminal cases pending against him, in which he is on bail in one
case and persuading for bail another case. He submits that

petitioner has not been apprehended from the place of occurrence rather police arrested him after chase. Learned counsel submits that there is gross violation of Section 100 of Cr.P.C. in preparation of seizure list.

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 ADJ – V – cum - Exclusive Special, Court-2, Excise Act, Lakhisarai in connection with GRP Kiul P.S. Case No. 65 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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