

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54286 of 2022

Arising Out of PS. Case No.-122 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

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Hazari Raut S/o Late Bouye Lal Raut, R/o village- Bhawanipur, P.S.- Sakri,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-11-2022 Due to mistake in the prayer portion, the Case Number has wrongly been typed i.e. instead of Case No.484 of 2022, Case No.448 of 2022 has been typed. Learned counsel for the petitioner is permitted to make the correction in course of the day. Office is directed to provide him the file, if counsel appears today and makes correction, if not, the entire order shall be withdrawn.

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 G.O. Case No. 484 of 2022 (Excise Case No. 122 of 2022), lodged under Section 30(a) of Bihar Excise Act.

As per prosecution case, total recovery of 75 liter

Nepali liquor has been made, which is the 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 the petitioner used to run a hotel which is basically a public place, series of persons used to come and go in his hotel everyday. He further submits that antecedent of petitioner is clean, he is in custody since 14.07.2022 and charge-sheet has been filed in this case.

Learned A.P.P. for the State opposes the prayer for bail and submits that recovery has been made from the hotel of the petitioner. But on the question that whether the place lies within the public domain or not, learned A.P.P. submits that it lies within public domain.

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 Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with G.O. Case No. 484 of 2022/ Excise Case No. 122 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, his bail shall be cancelled.

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 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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