

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54443 of 2022

Arising Out of PS. Case No.-334 Year-2022 Thana- SABAUR District- Bhagalpur

Manish Kumar Son of Anil Yadav Resident of Village - Morkahi, P.s.-
Shankarpur, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Nityanand, 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
Sabour (Goradih) P.S. Case No. 334 of 2022, lodged under
Sections 30(a), 32(i) (ii) and 41 of Bihar Prohibition and Excise
(Amendment) Act, 2018.

As per prosecution case, total recovery of 180.360
liter wine has been made, which 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 the alleged wine was recovered from the vehicle in

which the petitioner was working as driver. Learned counsel further submits that petitioner was completely unaware about the loading of such illegal liquor on the vehicle. Learned counsel also submits that antecedent of the petitioner is clean, he is in custody since 20.08.2022 and charge-sheet has been filed in the present case.

Learned A.P.P. 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 Additional District Judge XII-cum-Special Judge Exclusive Excise Court No. 2, Bhagalpur in connection with Sabour (Goradih) P.S. Case No. 334 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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