

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54442 of 2022

Arising Out of PS. Case No.-105 Year-2021 Thana- WARISLIGANJ District- Nawada

Mani Raut Son of Baudhu Raut R/V- Kochgano, P.S- Warisaliganj, Dist-
Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 28-11-2022 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
Warisaliganj P.S. Case No. 105 of 2021 lodged under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, total recovery of 224.925
liter wine and 30 liter of *desi mahua* wine have 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 petitioner is in custody since 22.05.2022 having
one criminal case pending against him and charge sheet has

already been filed in this case. He also submits that petitioner's name has been figured in this case by virtue of discloser made by the *chaukidar* of the village. He submits that nothing was recovered from petitioner's conscious possession and the alleged recovery was made from the *baramada* of the petitioner in which local persons used to come and go everyday.

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 Excise, Court-2, Nawada in connection with Warisaliganj P.S. Case No. 105 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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