

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 54564 of 2022

Arising Out of PS. Case No.-317 Year-2022 Thana- MURLIGANJ District- Madhepura

Abodh Kumar @ Abodh Kishor S/O-Mahendra Prasad Mahto @ Mahendar Mahto @ Mhendar Prasad Mahto R/O- Village- Beltikari, Police Station- Hansdiha, District- Dumka (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balram Kapri, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-11-2022 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 Murliganj P.S. Case No. 317 of 2022 lodged under Section 30(a), 32(i) (ii), 36 and 41 of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, total recovery of 267.750 liter of wine is subject matter of the present case.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that the said recovery was made from 2 different cars and the

petitioner is neither owner nor driver nor in anywhere related to those cars. Learned counsel specifically submits that petitioner is a person who is working in *kirana* store of his relative and went to purchase some *masala* but police chased him and arrested, from his possession Rs. 95,000 /- was also recovered. He further submits that petitioner is in custody since 04.07.2022 having one criminal case pending against him, in which he is on bail.

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.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge – vth - cum- Special Judge Excise-1st, Madhepura in connection with Murliganj P.S. Case No. 317 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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