

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54263 of 2022**

Arising Out of PS. Case No.-478 Year-2022 Thana- BARHARA District- Bhojpur

Indal Yadav @ Indal Ray Son of Bhuteli Ray @ Birendar Ray @ Bhuteni  
Ray, Resident of village - Paiga, P.S.- Barahara, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, 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  
Barhara P.S. Case No. 478 of 2022, lodged under Sections 30(a)  
and 37 of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, total recovery of 400 liter  
*Mahua* 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. Learned  
counsel further submits that the alleged recovery was made on a  
motorcycle, which does not belong to the petitioner. Learned

counsel further submits that in deep rooted conspiracy, petitioner has been shown arrested from the motorcycle. Learned counsel also submits that there are two criminal cases pending against the petitioner but he is on bail in both the cases. He further submits that charge-sheet has already been filed in the present case and petitioner is in custody since 04.07.2022.

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 Exclusive Special Excise Court No. 1<sup>st</sup> District Bhojur at Ara in connection with Barhara P.S. Case No. 478 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.)**

ravishankar/-

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