

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55904 of 2022

Arising Out of PS. Case No.-233 Year-2022 Thana- VAISHALI District- Vaishali

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Bhola Singh Son of Late Kedar Singh R/V- Chakwaja, P.S- Vaishali
(BelsarOP), Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 02-12-2022 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
Vaishali (Belsar O.P.) P.S. Case No. 233 of 2022 lodged under
Sections 30(a), 32(ii), 41(i) of Bihar Prohibition and Excise Act,
2016.

As per the prosecution case, total recovery of 809.36
litre liquor has been made, which is the subject matter of the
present case.

Learned counsel for the petitioner submits that the
police has made raid on the secret information. He submits that
there is gross violation in preparation of the seizure list, as from

the seizure list, it transpires that there is no signature of the petitioner in the seizure list, whereas he has been shown that petitioner has apprehended from the place of occurrence. Counsel further submits that there is one antecedent of the petitioner in which he is on bail. Counsel submits that petitioner is in custody since 20.06.2022 and charge sheet has already been filed in this case.

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 Special Judge Excise, Court No.II-Cum-Addl. District & Sessions Judge Vaishali, Hajipur in connection with Vaishali (Belsar O.P.) P.S. Case No. 233 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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