

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55777 of 2022

Arising Out of PS. Case No.-484 Year-2022 Thana- SARAIYA District- Muzaffarpur

1. Abhishek Kumar Son of Anil Kumar Resident of Village - Manua Chowk Chapra, P.s.- Town, Dist.- Saran.
2. Kumar Sonu Son of Late Jagmohan Pandey Resident of Village - Kanti Mausahar, P.s.- Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

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 petitioners and learned A.P.P. for the State through virtual mode.

The petitioners seek regular bail in connection with Saraiya P.S. Case No. 484 of 2022 lodged under Sections 272, 273/34 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

As per the prosecution case, total recovery of 190.08 liter of foreign liquor has been made, which is subject matter of the present case.

Learned counsel for the petitioners submits that

petitioners are innocent and has committed no offence. He further submits that petitioners are in custody since 20.08.2022. Learned counsel for the petitioners submits that petitioner no. 1 has having 2 criminal cases pending against him and he is on bail in both the cases, whereas, antecedent of petitioner no. 2 is clean. Learned counsel for the petitioners submits that petitioner no. 1 has alleged to be the driver of the seized vehicle and petitioner no. 2 is a passenger of the said vehicle. He submits that petitioners were completely unaware about the said wine present in the said car. 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-2, Muzaffarpur in connection with Saraiya P.S. Case No. 484 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. for petitioner no. 2 and for petitioner no. 1, 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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