

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 57167 of 2022

Arising Out of PS. Case No.-118 Year-2020 Thana- KOCHAS District- Rohtas

Abhay Patel @ Abhay Kumar Son of Rambrat Singh R/V- Dumra, P.S-
Karagahar, Dist- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Adv.

For the Opposite Party/s : Mr. Arun Kumar Pandey, 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 petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Kochas P.S. Case No. 118 of 2020 lodged under Section 30(a) of
the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, total recovery of 328.32
liter of wine has been made from 2 vehicles, out of which one is
Maruti car and another is Scorpio *jeep*, from which 4 persons
were apprehended, 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 23.02.2022 having 2

criminal cases pending against him, in which he is on bail. Charge-sheet has already been filed in this case. Learned counsel for the petitioner submits that petitioner is not out of those 4 apprehended persons and his name has been figured in this case by virtue of confessional statement of the co-accused.

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 Judge Excise, Court-2 - cum - Additional District and Sessions Judge, Rohtas at Sasaram in connection with Kochas P.S. Case No. 118 of 2020, 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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