

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 54813 of 2022

Arising Out of PS. Case No.-321 Year-2021 Thana- MANIYARI District- Muzaffarpur

Lal Babu Sah @ Lal Sah @ Lal Babu Kumar S/O Late Ram Khelawan Sah
Resident of village- Bishanpur Giddha, P.S.- Maniyari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-11-2022 Let the defect, 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
Maniyari P.S. Case No. 321 of 2021 lodged under Section 30(a)
of Bihar Prohibition and Excise Act.

As per the prosecution case, total recovery of
394.380 litre wine is the subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Counsel
submits that the said recovery was alleged to be made from his
house but in the search and seizure list, there is gross violation
of Section 100 of Cr.P.C. Counsel submits that there is one case

pending against the petitioner in which he is on bail. Counsel submits that petitioner is in custody since 29.07.2022, 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 Exclusive Special Judge (Excise) Court No.II, Muzaffarpur in connection with Maniyari P.S. Case No. 321 of 2021, 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 resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation 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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