

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57590 of 2022**

Arising Out of PS. Case No.-90 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Supaul

Sanjay Kumar @ Sanjay Kumar Mehta Son Of Shri Subhash Mehta, R/V-
Gadhiya, P.S- Bhaptiyahi, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-12-2022 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
Misc. Excise Case No. 1249 of 2020, arising out of R.S. Case
No. 90 of 2020 lodged under Section 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2022.

As per prosecution case, total recovery of 216 liter
Nepali wine on a motorcycle 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. Counsel

further submits that petitioner is alleged to be the owner of the motorcycle. Counsel further submits that there is 5 criminal cases pending against the petitioner and only due to this reason, police used to insert his name in new cases. He further submits that petitioner is in custody since 08.07.2022 and charge sheet has already been filed in this case. He further submits that during pendency of the case, his *pairwikar* of the client has informed him that charge has also been framed 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 In-charge Special Judge, Excise, Court No.2, Supaul in connection with Misc. Excise No. 1249 of 2020 arising out of R.S. Case No. 90 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, 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 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.)

ravishankar/-

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