

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 54831 of 2022

Arising Out of PS. Case No.-157 Year-2022 Thana- NAUTAN District- Siwan

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Bhola Singh @ Anuj Pratap Ray Son of Late Tarkeshwar Ray Resident of
Village - Khalwa, P.s.- Nautan, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.

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

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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
Nautan P.S. Case No. 157 of 2022 lodged under Section 30(a) of
Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, total recovery of 459
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 recovery has been made from a Bolero vehicle
and the petitioner has not been apprehended from the said
vehicle. Counsel submits that petitioner is neither driver nor

owner of the vehicle. Counsel submits that there are 5 criminal cases pending against him in which he is on bail. Counsel further submits that petitioner is in custody since 20.08.2022, charge sheet has already been filed in this case. Counsel further submits that there is gross violation of Section 100 of Cr.P.C. in preparation of the seizure list.

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 Additional District and Sessions Judge-IIInd-cum-Special Judge (Excise), Siwan in connection with Nautan P.S. Case No. 157 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 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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