

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54502 of 2022

Arising Out of PS. Case No.-412 Year-2022 Thana- BHORE District- Gopalganj

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Bittu Kumar Son of Jay Kishore Singh, Resident of Village - Rampur Kala,
P.S.- Fulwariya, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-11-2022 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
Bhore P.S. Case No. 412 of 2022, lodged under Sections 414 of
the Indian Penal Code read with Section 30(a) of Bihar
Prohibition and Excise Act, 2016, Amendment Act, 2018.

As per prosecution case, total recovery of 660.6 liter
country made liquor and foreign liquor are the subject matter of
the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He also
submits that the entire recovery has been made from a Scorpio

vehicle and petitioner is neither driver nor owner of the said vehicle. He further submits that petitioner is in custody since 23.08.2022 and charge-sheet has already been filed in this case. He also submits that there is one criminal antecedent against the petitioner in which he is on bail.

Learned A.P.P. 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 Court of Additional District and Sessions Judge-II-cum-Special Judge, Excise Court No.-I, Gopalganj in connection with Bhore P.S. Case No. 412 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 be resulted into cancellation of his bail bond.

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 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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