

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55618 of 2022

Arising Out of PS. Case No.-135 Year-2022 Thana- GURUA District- Gaya

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Kamlesh Yadav S/o Sita Ram Yadav @ Sitaram Yadav R/o Village- Jai Nagar,
P.S.- Gurua, Distt-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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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
Gurua P.S. Case No. 135 of 2022 lodged under Section 30(a) (d)
of the Bihar Prohibition and Excise Act.

As per the prosecution case, total recovery of 110 liter
of country-made wine 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. He further
submits that the petitioner is in custody since 23.08.2022 having
2 criminal cases pending against him, and he is on bail in both

the cases. Learned counsel for the petitioner submits that 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, Gaya in connection with Gurua P.S. Case No. 135 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 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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