

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57354 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- KARJA District- Muzaffarpur

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Sameer Kumar Son Of Harishchandra Rai R/O Village- Nahar Sarai, P.S.-
Karja, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Adv.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, 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
Karja P.S. Case No. 149 of 2021 lodged under Sections 272,
273, 34 of the I.P.C. read with Section 30(a) of Bihar
Prohibition and Excise Act.

As per the prosecution case, the total recovery of
3839.40 litre illicit foreign liquor has been made from the 2
vehicles. One from truck and another from pick up vehicle,
which is the subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Learned

counsel submits that petitioner has not been apprehended from the place of occurrence. Counsel submits that petitioner is in no way related to either owner or driver of the truck or the said pick up vehicle. Counsel further submits that the petitioner is in custody since 23.07.2022 and charge sheet has already been filed in this case. Counsel further submits that there are many co-accused persons who were granted bail by the Co-ordinate Bench of this Court whose order sheets are annexed vide Annexure-2 series.

Counsel for petitioner further submits that there are 2 criminal cases pending against the petitioner in which he is on bail in one case and in one case he is persuading for bail.

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 Special Judge, Excise, Court No. II, Muzaffarpur in connection with Karja P.S. Case No. 149 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 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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