

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57341 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- KANHAWLI District- Sitamarhi

Chhotu Kumar S/O Ramdev Sahni R/o Village- Janki Nagar Tola, P.S.-
Majorganj, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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
Kanhawli P.S. Case No. 71 of 2022 lodged under Sections 30(a)
of Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, the total recovery of 270
litre Nepali wine has been made on a tempo in which tempo
driver was also arrested, 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 was alleged to be the tempo

driver and which passenger had left the bag on his tempo was completely unaware. Counsel submits that petitioner is in custody since 27.04.2022 and charge sheet has already been filed in this case. Counsel submits that there is one criminal case pending against the petitioner in which he is on bail. Counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

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 Excise Court No.1, Sitamarhi in connection with Kanhauli P.S. Case No. 71 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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