

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55625 of 2022

Arising Out of PS. Case No.-235 Year-2022 Thana- SARAI District- Vaishali

Mehandi Hassan S/O Sarphuddin Rai Resident Of Village- Patagara Kala
Nahari Tola, P.S.- Vishanpura, District- Gadhva (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Adv.

For the Opposite Party/s : Mr. Anant Kumar 1, 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
Sarai P.S. Case No. 235 of 2022 lodged under Sections 420,
467, 468, 471, 120 (B) of the I.P.C. and Sections 30(a), 31, 32,
36, 41 (I) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, total recovery of 3627.36
liter of wine has been made from a truck and petitioner is
alleged to be the driver of the truck, which is subject matter of
the present case.

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

that petitioner was unaware of the fact that what was loaded on the truck. He further submits that petitioner is in custody since 28.07.2022 having 2 criminal cases pending against him, in which he is on bail in both the cases. 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 Excise, Court-2-cum-Additional Sessions Judge, Vaishali in connection with Sarai P.S. Case No. 235, 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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