

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55306 of 2022

Arising Out of PS. Case No.-413 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

Kuldeep @ Kuldeep Sharma @ Kuldeep Bhardwaj S/O Bhagirath Sharma
Resident of Flat No.- 40/1-A2 Block Dharampura, Najafgarh, P.S.- Najafgarh,
District- South West Delhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Adv.

For the Opposite Party/s : Ms. Meena Singh, 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
Excise Case No. 749 of 2021 arising out of Mohania P.S. Case
No. 413 of 2021, lodged under Sections 420, 467, 468 and 471
of Indian Penal Code read with Sections 30(a), 36 and 41(i) of
the Bihar Prohibition and Excise (Amendment) Act.

As per prosecution case, the total recovery of 3028.68
liter of foreign liquor has been made, which is subject matter of
the present case.

Learned counsel for the petitioner submits that

petitioner was not apprehended from the place of occurrence and his name has figured in this case by virtue of confessional statement of the truck driver. Learned counsel also submits that petitioner is in custody since 11.08.2022 and charge-sheet has already been filed in this case. He further submits that there are 4 criminal cases pending against the petitioner and he is on bail in 2 cases but in rest of 2 cases, 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-1 Kaimur at Bhabhua in connection with Excise Case No. 749 of 2021 arising out of Mohania P.S. Case No. 413 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 an 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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