

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55549 of 2022

Arising Out of PS. Case No.-84 Year-2021 Thana- TETERHAT District- Lakhisarai

Himanshu Kumar S/O Late Binod Mandal Resident Of Village- Bishambhar
Patti, P.S.- Hathauri, District- Muzaffarpur, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant 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
Tetarhat (Tetarhut) P.S. Case No. 84 of 2021, lodged under
Sections 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, the total recovery of 784.800
liter of wine has been made from a *Bolero Pick Up* van.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He also
submits that petitioner has not been apprehended from the place
of occurrence but his name has figured in this case by virtue of
confessional statement made by the driver who said that the

petitioner is friend of the *Bolero Pick Up* van owner. Learned counsel also submits that petitioner is in custody since 18.08.2022 and charge-sheet has already been filed. Learned counsel also submits that there are 3 criminal cases pending against the petitioner and he is on bail in all the cases. Learned counsel further submits that Vijay Sharma who alleged to be the driver has already been granted bail by the Co-ordinate Bench of this Court vide order dated 24.05.2022 passed in Cr. Misc. No. 56150 of 2021.

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 Court of A.D.J. V—cum-Exclusive Special Court No-II Excise Act, Lakhisarai in connection with Tetarhat (Teharhut) P.S. Case No. 84 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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