

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56160 of 2022

Arising Out of PS. Case No.-157 Year-2020 Thana- DUMRA District- Sitamarhi

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Raju Kumar Son of Chandradev Mahto, Resident at - Ward No.- 16, Kumhra Vishnupur, Hariharpur, Kumhra Bishunpur, Sitamarhi, P.S.- Dumra, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dwij Raj, Adv.

For the Opposite Party/s : Ms. Sharda Kumari, 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 Dumra P.S. Case No. 157 of 2020 lodged under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per prosecution case, total recovery of 1455.480 litre foreign liquor has been made from pick up van and one poultry farm, which is subject matter of the present case.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Learned counsel further submits that petitioner is not named in the F.I.R.

but his name has figured during investigation by virtue of the confessional statement. Counsel for the petitioner has categorically mentioned that petitioner is not related either with the pick up van or with the poultry farm. He further submits that there is 4 criminal cases pending against the petitioner in which he is on bail in 2 cases and in 2 cases he is persuading for bail. He further submits that petitioner is in custody since 23.06.2022 and 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.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-I, Sitamarhi in connection with Dumra P.S. Case No. 157 of 2020, 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, his bail shall be cancelled.

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.)

ravishankar/-

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