

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55795 of 2022

Arising Out of PS. Case No.-517 Year-2021 Thana- SIKARPUR District- West Champaran

Raju Jaiswal @ Raju Shah @ Raju Prasad @ Raju Gupta S/O Late Shambhu Jaiswal @ Sambhu Sah Resident of Village- Shrivastwa Colony Ward No- 1, Narkatiyaganj, P.S.- Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar 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 Shikarpur P.S. Case No. 517 of 2021 lodged under Section 30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, total recovery of 78.725 liter of country-made wine has been made, 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 not apprehended from the place of

occurrence. Learned counsel for the petitioner submits that the said recovery has been made from a bush, which is situated near the house of the petitioner. He further submits that petitioner is in custody since 12.08.2022 having 4 criminal cases pending against him and he is on bail in 3 cases except one case in which he is persuading for bail. 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 Judge Excise, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 517 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 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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