

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55808 of 2022

Arising Out of PS. Case No.-107 Year-2021 Thana- SIKARPUR District- West Champaran

Raju Jaiswal @ Raju Shah @ Raju Prasad 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. Yogendra Kumar 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 Shikarpur P.S. Case No. 107 of 2021 lodged under Section 30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, total recovery of 166.77 liter of 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 further submits that petitioner is in custody since 08.08.2022 having 4

criminal cases relating to Excise Act pending against him, in which he is on bail in 3 cases and in 1 case, he is persuading for bail. Charge-sheet has already been filed in this case. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and during the police petrolling, petitioner was arrested. He submits that neither the petitioner was apprehended from the place of occurrence nor anything has been recovered from his possession and upon identification, police has figured petitioner's name in this case along with one other person.

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. 107 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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