

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56332 of 2022

Arising Out of PS. Case No.-231 Year-2022 Thana- SAHPUR District- Bhojpur

1. Ramayan Yadav @ Ramayan Singh Son of Late Meghan Yadav, Resident of Village- Bilauti, Saraiya, P.S.- Sahpur, District- Bhojpur
2. Sunil Kumar Yadav @ Sunil Yadav Son of Ramayan Yadav, Resident of Village- Bilauti, Saraiya, P.S.- Sahpur, District- Bhojpur
3. Sushil Yadav @ Sushil Kumar Yadav Son of Ramayan Yadav, Resident of Village- Bilauti, Saraiya, P.S.- Sahpur, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Adv.
For the Opposite Party/s : Mr. Md. Matloob Rab, 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 petitioners and learned
A.P.P. for the State through virtual mode.

The petitioners seek regular bail in connection with
Sahpur P.S. Case No. 231 of 2022, lodged under Section 30(a) of
the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, the total recovery of 330 liter
of *desi mahua* wine has been made, which is subject matter of
the present case.

Learned counsel for the petitioners submits that none

of the petitioners were apprehended from the place of occurrence and their names were identified by the local *chaukidar*. He also submits that petitioner no.1 has one criminal antecedent, petitioner no.2 has two criminal antecedents and petitioner no.3 has one criminal antecedent but all the petitioners are on bail in their respective cases. Learned counsel further submits that all the three petitioners are in custody since 29.06.2022 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 petitioners 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 Additional Sessions Judge-cum-Special Judge Excise, Court-II Bhojpur at Ara in connection with Sahpur P.S. Case No. 231 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners 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 their bail bonds.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bonds that they shall not involve in such criminal activity during the continuance of present bail bonds, violation of this condition shall be resulted into cancellation of their present bail bonds.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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