

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56937 of 2022

Arising Out of PS. Case No.-586 Year-2022 Thana- SIKARPUR District- West Champaran

Akshay Kumar Son of Gumati Sharma, Resident of Village - Prakash Nagar,
Ward No.- 12, Narkatiyaganj, P.S.- Shikarpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Adya Singh, Adv.

For the Opposite Party/s : Mr. Anant Kumar No.1, 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. 586 of 2022, lodged under Section
30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, the total recovery of 102.94
liter of foreign liquor has been made from the possession of two
persons, who were sitting on a *Tempo* and were apprehended
from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that petitioner has not been apprehended from the place

of occurrence, nothing was recovered from his possession. He also submits that name of the petitioner has figured in this case because arrested persons disclosed the name of the present petitioner. Learned counsel further submits that there is one criminal case pending against the petitioner, in which he is on bail, charge-sheet has already been filed in this case and petitioner is in custody since 07.08.2022. Learned counsel also submits that one of the named accused has already been granted bail by this Court vide order dated 25.11.2022 passed in Cr. Misc. No. 54477 of 2022.

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. 586 of 2022, 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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