

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55870 of 2022

Arising Out of PS. Case No.-322 Year-2021 Thana- MADANPUR District- Aurangabad

Mukesh Kumar Pathak Son of Mahendra Pathak R/V- Panjari Khurd, Lalgargh,
P.S- Bishrampur, Dist- Palamu (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, 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
Madanpur P.S. Case No. 322 of 2021 lodged under Sections
30(a), 33 of Bihar Prohibition and Excise (Amendment) Act,
2018.

As per the prosecution case, total recovery of 55 litre
spirit has been made, which is the subject matter of the present
case.

Learned counsel for the petitioner submits that the
petitioner is related to the Bolero vehicle on which the recovery
of 35 litre of spirit has been made. Counsel submits that he is

the owner of the said vehicle and he received information that his vehicle has made an accident on the highway. Counsel submits that petitioner is completely innocent. Counsel submits that petitioner has given his vehicle to one of his known person with driver. Counsel submits that there is one criminal case pending against him in which he is on bail. Counsel further submits that petitioner is in custody since 03.09.2022 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.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, I, Aurangabad in connection with Madanpur P.S. Case No. 322 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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