

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56823 of 2022

Arising Out of PS. Case No.-231 Year-2022 Thana- BENIPATTI District- Madhubani

1. Dinesh Yadav Sonof Late Lal Yadav, R/o Village- Bashaitha, P.S.- Benipatti, Distt.- Madhubani
2. Umesh Ram Son Of Bhogi Ram @ Bhogindra Ram, R/o Village- Bashaitha, P.S.- Benipatti, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha.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 petitioners and learned A.P.P. for the State through virtual mode.

The petitioners seek regular bail in connection with Benipatti P.S. Case No. 231 of 2022 corresponding to G.R. No.1566 of 2022, lodged under Sections 272 and 273/34 of Indian Penal Code read with Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, the total recovery of 240 liter of Nepali liquor has been made, which is subject matter of the present case.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. Learned counsel also submits that there is one criminal case pending against the petitioner no.1, in which he is on bail but the said case is not related to Excise Act and petitioner no.2 has clean

antecedent. Learned counsel further submits that from the seizure list it transpires that the said recovery was made from the joint house. He also submits that petitioners are 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 no.1 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 2nd-cum-Special Judge, Excise Act, Madhubani in connection with Benipatti P.S. Case No. 231 of 2022 corresponding to G.R. No.1566 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner no.1 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 no.1.

C. The petitioner no.1 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.

And in the present facts and circumstances of this case and the submissions made above, let the petitioner no.2 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 2nd-cum-Special Judge, Excise Act, Madhubani in connection with Benipatti P.S. Case No. 231 of 2022 corresponding to G.R. No.1566 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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