

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56633 of 2022

Arising Out of PS. Case No.-136 Year-2022 Thana- BISHWAMBHARPUR District-
Gopalganj

=====

Bhim Kushwaha S/O Shyamlal Kushwaha @ Shyamlal, Resident Of Village-
Parsaun, P.S.- Tareya Sujan, District- Kushinagar (u.p.).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-12-2022 Let the defect, 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
Vishambharpur P.S. Case No. 136 of 2022 lodged under
Sections 414, 467, 468 and 420/34 of the I.P.C. and section
30(a) of the Bihar Prohibition and Excise Amendment Act,
2022.

As per prosecution case, total recovery of 544.320
liter foreign liquor has been made from a Bolero vehicle, which
is subject matter of the present case.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. Counsel further submits that in addition to section relating to excise act, sections of I.P.C. have also been added. He further submits that from reading of the F.I.R., it transpires that the said vehicle is subject matter of theft. He further submits that petitioner is neither driver nor owner of the vehicle but he was apprehended sitting in the vehicle. Counsel further submits that under unfortunate circumstance, petitioner has taken lift on the vehicle and subsequently police has arrested him. Counsel further submits that any vehicle who is subject to excise act shall always subject to confiscation. He further submits that petitioner is in custody since 20.08.2022 and charge sheet has already been filed in this case. He further submits that there is one criminal case pending against the petitioner in which he is on bail.

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 Addl. District & Sessions Judge-IV-

cum-Special Excise Judge, Court No.-II, Gopalganj in connection with Vishambharpur P.S. Case No. 136 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, his bail shall be cancelled.

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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