

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 57149 of 2022

Arising Out of PS. Case No.-247 Year-2021 Thana- BACHHWARA District- Begusarai

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Vimal Rai @ Vimal Kumar Son of Late Muni Lal Rai @ Muni Lal Rai
Resident of village - Chamtha Number Ward No.- 05, P.S.- Bachhwara,
District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Veena Kumari Jaiswal

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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
Bachhwara P.S. Case No. 247 of 2021 lodged under Section
30(a), (c), 36 of the Bihar Prohibition and Excise Act, 2018 and
Sections 180, 120 (B) of the I.P.C.

As per the prosecution case, total recovery of 180 liter
of foreign wine has been made from an open place along with
1500 liter of *kacha* wine which was destroyed, which is subject
matter of the present case.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 16.07.2022 having one criminal case pending against him, in which he is on bail. Charge-sheet has already been filed in this case. He submits that petitioner has not been apprehended from the place of occurrence and his name has been figured in this case by virtue of confessional statement. Learned counsel for the petitioner submits that from the seizure list it transpires that the said recovery was made from an open place. Learned counsel for the petitioner submits that other co-accused persons have been granted bail on 18.04.2022 in Cr. Misc. No. 9474 of 2022 and on 13.05.2022 in Cr. Misc. No. 15626 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-I at Begusarai in connection with Bachhwara P.S. Case No. 247 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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