

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56343 of 2022

Arising Out of PS. Case No.-83 Year-2021 Thana- INDUSTRIAL AREA District- Vaishali

Anshu Patel @ Aashu Patel Son of Vijay Singh Patel, Resident of Village - Kazimahmadpur, P.S.- Kazimahmadpur, District - Muzaffarpur, At present address - Sadpura Neem Chowk Ward No.- 30, P.S.- Kaji, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 56719 of 2022

Arising Out of PS. Case No.-83 Year-2021 Thana- INDUSTRIAL AREA District- Vaishali

Anjay Kumar @ Ajay Kumar Son of Ramprit Singh @ Rambrit Singh, R/V- Sadpura Neem Chack Mushari Ward No. 30, P.S- Kaji, Dist- Muzaffarpur, at present address Sadpur Neem Chouk, P.S- Kazimahmadpur, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56343 of 2022)

For the Petitioner/s : Mr. Ranjay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Rajiv Nayan, APP.

(In CRIMINAL MISCELLANEOUS No. 56719 of 2022)

For the Petitioner/s : Mr. Ranjay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Jha, 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

Industrial Area P.S. Case No. 83 of 2021, lodged under Sections 272, 273, 420 and 120B of Indian Penal Code read with Sections 30(a), 33, 36, 41(i) of the Bihar Prohibition and Excise Act.

As per prosecution case, the total recovery of 5712 liter of spirit on a truck 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 both the petitioners were not apprehended from the spot but their names have figured in this case by virtue of confessional statement made by the co-accused, who has been apprehended from the place of occurrence. He also submits that petitioner of Cr. Misc. No. 56343 of 2022 is in custody since 20.07.2022 and petitioner of Cr. Misc. No. 56719 of 2022 is in custody since 25.08.2022 and charge-sheet has already been filed in this case. Learned counsel further submits that both the petitioners have two criminal antecedents and they are on bail in all the respective criminal cases pending against them. He further submits that vide annexure-2 Co-ordinate Bench of this Court has granted regular bail to other co-accused persons of this case who has been

apprehended vide order dated 07.04.2022 passed in Cr. Misc. No. 53493 of 2021.

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 petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1st-cum-Additional Sessions Judge Vaishali in connection with Industrial Area P.S. Case No. 83 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners 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 their bail bonds.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of

furnishing of bail bonds that he shall not involve in such criminal activity during the continuance of present bail bonds, violation of this condition shall be resulted into cancellation of their present bail bonds.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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