

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56840 of 2022

Arising Out of PS. Case No.-14 Year-2021 Thana- DUMRA District- Sitamarhi

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Vimlesh Rai @ Vimlesh Kumar Son of Suresh Rai, Resident of village -
Dhobauli, P.S.- Dumra, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Rajesh Kumar, APP.

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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
Dumra P.S. Case No. 14 of 2021, lodged under Sections 30(a) of
the Bihar Prohibition and Excise Act.

As per prosecution case, the total recovery of 1082.16
liter of foreign liquor has been made and three persons were
apprehended from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He also
submits that petitioner has not been arrested from the place of
occurrence rather apprehended accused persons named present

petitioner in their confessional statement. Learned also submits that petitioner is neither owner nor driver of the *Pick Up* van and petitioner is in custody since 24.02.2022. He further submits that there are 4 criminal cases pending against the petitioner, in which out of 4 cases, he is on bail in 3 cases and in rest one case he is persuading for bail. Learned counsel also submits that the other similarly situated co-accused persons have already been granted bail by the Co-ordinate Bench of this Court. The orders passed relating to bail are annexed as Annexure-2 and Annexure-2/1 in the present application.

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 Excise Court No.1, Sitamarhi in connection with Dumra P.S. Case No. 14 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 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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