

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57397 of 2022

Arising Out of PS. Case No.-132 Year-2018 Thana- KATHAIYA District- Muzaffarpur

Tuntun Rai Son Of Late Murali Rai, R/O Village- Purani Bazar, P.S.- Motipur,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Advocate

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

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
Kathaiya P.S. Case No. 132 of 2018 lodged under Section 414
of the Indian Penal Code read with Sections 30(a), 32 (ii), 38(ii)
of Bihar Prohibition and Excise Act, 2018.

As per prosecution case, total recovery of 70 liter
wine from one Indica Car has been made, which is subject
matter of the present case.

Learned counsel for the petitioner submits that present
case has been filed against unknown persons. He further submits
that in present case petitioner has not been arrested, rather he

was already in custody and Police has remanded him in this case. He further submits that the name of petitioner has figured in this case during investigation. He also submits that petitioner is in custody since 22.07.2022 and charge sheet has already been filed in this case. He further submits that there are 10 cases pending against the petitioner, in which he is on bail in all cases.

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 Special Judge, Excise Court No.2, Muzaffarpur in connection with Kathaiya P.S. Case No. 132 of 2018, 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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