

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57343 of 2022

Arising Out of PS. Case No.-238 Year-2022 Thana- DUMRA District- Sitamarhi

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Raju Kumar Son of Chandradev Mahto Resident at- Ward No. 16, Kumhra Vishnupur, Hariharpur, Kumhra Bishunpur, Sitamarhi, 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. Dwij Raj, Adv.

For the Opposite Party/s : Mr. Abhay 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. 238 of 2022 lodged under Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, the total recovery of 10.5 litre foreign liquor has been made from the Alto car, which is the subject matter of the present case.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Learned counsel submits that the said recovery was made from the Alto

car and petitioner is said to be the owner of the said car. Counsel for the petitioner submits that petitioner has not been apprehended from the car rather police has arrested him from his house (paragraph 7). Counsel further submits that petitioner is in custody since 06.06.2022 and charge sheet ha already been filed in this case. Counsel further submits that there are 4 criminal cases pending against the petitioner and he is on bail in 3 cases and in one case he is persuading for 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 Exclusive Special Excise Court-I, Sitamarhi in connection with Dumra P.S. Case No. 238 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, 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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