

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60287 of 2022

Arising Out of PS. Case No.-654 Year-2021 Thana- MAJHAULIA District- West Champaran

Prince Kumar @ Laddu Son of Manoj Kumar @ Manoj Rai, Resident of
Gopalpur Sarphudinpur, P.S.- Bochan, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mani Bhushan Kumar, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-11-2022 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
Majhauriya P.S. Case No. 654 of 2021, lodged under Sections
467, 468, 471, 420, 272, 273 and 120(B) of the Indian Penal
Code read with sections 30(a), 36 and 41(1) of Bihar Prohibition
and Excise Act.

As per prosecution case, total 3061.08 liter of wine
has been recovered, 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 as per the F.I.R., the said recovery of wine has been

made on a truck and the driver of the truck has already been granted bail vide Annexure-2 annexed in this petition. Learned counsel also submits that petitioner was not apprehended from the truck rather he was going on in another vehicle and from the said vehicle, nothing incriminating was recovered. Learned counsel further submits that petitioner is in custody since 29.08.2022. Learned counsel further submits that there are five criminal cases pending against the petitioner and only due to criminal antecedents, his name has figured in this case. Learned counsel also submits that in the present case petitioner has been remanded by the police. There is gross violation of section 100 of Cr.P.C. in preparing seizure list.

Learned A.P.P. 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.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Bettiah (West Champaran) in connection with Majhauriya P.S. Case No. 654 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 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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