

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 66901 of 2023

Arising Out of PS. Case No.-215 Year-2023 Thana- PANCHRUKHI District- Siwan

Anup Kumar Son of Raghunath Singh R/o vill - Janjiraha, P.S. - Bankatta,
Distt. - Dewariya, (UP)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Anupam, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Pachrukhi P.S. Case No. 215 of 2023 dated 05.08.2023, lodged
under Sections 30(a), 41(i) of the Bihar Prohibition and Excise
Act, 2016.

3. As per the prosecution case, the F.I.R. has been
lodged against four named accused persons from whose
possession, the recovery of 345.600 litre English wine has been
made.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that from the seizure list, it transpires that the said
recovery has been made from the line hotel of one Ramesh

Kumar Sah. Counsel submits that the said recovery has not been made from the possession of the petitioner.

5. Learned counsel for the petitioner further submits that the said accused persons were apprehended from a Bolero vehicle on which the alleged wine was loaded. Counsel further submits that the petitioner is neither driver nor *khalasi* nor owner of the said vehicle. Counsel further submits that the petitioner is in custody since 06.08.2023. Counsel further submits that the petitioner is a law abiding citizen and ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

6. Learned counsel for the State opposes the prayer for bail and submits that the antecedent of the petitioner is clean.

7. 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 Only) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Excise Court No. I, Siwan in connection with Pachrukhi P.S. Case No. 215 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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