

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66862 of 2023

Arising Out of PS. Case No.-342 Year-2023 Thana- SULTANGANJ District- Patna

Binay Kumar Son of Late Gauri Shankar Yadav Resident of Mohalla - Tekari
Road, Patthar Ki Masjid, Police Station - Sultanganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, 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
Sultanganj P.S. Case No. 342 of 2023 lodged under Sections
30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, the recovery of 5.6
liter of desi wine has alleged to be made, which is subject matter
of the present case.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He submits
that the name of the petitioner has figured in this case only due
to the reason that his antecedent is not clean. Counsel submits
that there are 9 criminal cases pending against him in which he
is on bail in 8 cases and in one case, he is persuading for bail.

5. Counsel further submits that petitioner is in custody since 17.07.2023.

6. Learned counsel for the State opposes the prayer for bail and submits that at the time of granting bail, criminal antecedents of the petitioner may be taken into consideration.

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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Patna City, Patna, in connection with Sultanganj P.S. Case No. 342 of 2023, subject to the following 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.

(Dr. Anshuman, J.)

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