

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73828 of 2022

Arising Out of PS. Case No.-781 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

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Jitendra Kumar @ Batusi Son of Bipin Kumar Singh @ Bipin Kr. Singh @ Bipin Singh @ Vipin Kumar Singh, Resident of Village- Ratanpur, Dumari Road, Ward No.-21, Near Vikash Vidyalay, P.S.- Town (Ratanpur O.P.), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-03-2023 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
Town P.S. Case No. 781 of 2021, lodged under Sections 120(B)
of the Indian Penal Code read with Section 30(a) of Bihar
Prohibition and Excise Act.

As per prosecution case, the allegation against three
accused persons including the present petitioner is that they are
involved in preparation and selling of the excise material. The
recovery was not made from the field of petitioner, rather it has
been recovered from the field of another person but name of

petitioner has figured by virtue of information available to the Police and subsequently he has not been apprehended but recovery of 492 liter of foreign liquor has been made.

Learned counsel for the petitioner submits that there are three criminal cases pending against the petitioner, in which, he is on bail in all the three cases. He further submits that petitioner is in custody since 23.11.2022. He also submits that other two co-accused persons having similar allegation have been granted bail by the Co-ordinate Bench of this Court vide orders dated 09.12.2022 & 09.02.2023 passed in Cr. Misc. Nos. 64079 of 2022 and 71573 of 2022 respectively. Learned counsel for the petitioner further submits that charge has already been framed in this case and trial has commenced.

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 Judge-I, Begusarai in connection with Town P.S. Case No. 781 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 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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