

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5107 of 2023

Arising Out of PS. Case No.-277 Year-2022 Thana- FATEHPUR District- Gaya

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Sintu Kumar @ Sintu Yadav Son Of Preman Yadav R/V- Purani Bathan, P.S- Fatehpur, Dist- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Adv.

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

5 05-06-2023 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.

The petitioner seeks regular bail in connection with Fatehpur P.S. Case No. 277 of 2022 lodged under Sections 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2018.

As per the prosecution case, total recovery of 230 liter of country-made wine has been made, which is subject matter of the present case.

Learned counsel for the petitioner submits that petitioner has not been apprehended from the place of occurrence and his name has been figured in this case by virtue of statement of co-villagers. He further submits that petitioner is

in custody since 31.08.2022 having one criminal case pending against him, in which he is on bail.

In the original petition, the provision of Excise matter has not been written in paragraph no.3 but counsel has disclosed that the earlier case is also relating to Bihar Prohibition & Excise (Amendment) Act, 2018 by filing a supplementary affidavit dated 13.04.2023.

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 Judge Excise, Court-1, Gaya in connection with Fatehpur P.S. Case No. 277 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.)

Ashishsingh/-

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