

Arising Out of PS. Case No.-127 Year-2023 Thana- DHANSOI District- Buxar

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... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr.Satyapal Singh, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Dhansoi P.S. Case No. 127 of 2023 lodged under Sections 30(a)
of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, the F.I.R. has been lodged against six named accused persons and total recovery of 135 liter wine has alleged to be made, which is subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that from the petitioner's motorcycle, only 20 liter wine has been recovered.



5. Counsel submits that petitioner's antecedent is not clean and there are three criminal cases pending against him. He further submits that petitioner is in custody since 10.10.2023 and charge-sheet has already been submitted.

6. Learned counsel for the State opposes the prayer for bail and submits that petitioner has suppressed the material fact as in the order sheet, it has come that there are 5 criminal cases pending against him whereas in the pleadings, he has narrated that only three criminal cases pending against the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail only after certifying that how many criminal cases pending against the petitioner. If it has been found that there are five criminal antecedent of the petitioner, then in that case, the bail application of the petitioner is hereby rejected and if it is only three criminal antecedent of the petitioner then, petitioner shall 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 Special Excise Court No.1, Buxar in connection with Dhansoi P.S. Case No. 127 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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