

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2723 of 2024

Arising Out of PS. Case No.-318 Year-2023 Thana- DESARI District- Vaishali

Abhay Kumar S/O - Kapil Deo Rai R/O Vill. - Sekhopur, P.S.- Desari, (Sahdeai O.P.), Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Desari (Sahdei O.P.) P.S. Case No. 318 of 2023 dated 18.09.2023, lodged under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, the F.I.R. has been lodged against five named accused persons including the present petitioner and the total recovery of 403.56 litre country made wine has been made, which is the 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 the said recovery has been made from a van and the

petitioner is neither driver, nor co-driver nor owner of the vehicle. Police has apprehended him fleeing away from the place of occurrence. He further submits that the petitioner is in custody since 27.09.2023 having clean antecedent. He further submits that the similarly situated co-accused has been granted bail by the Co-ordinate Bench of this Court vide order dated 10.01.2024 passed in Cr. Misc. No. 85197 of 2023.

5. Learned A.P.P. for the State opposes the prayer for bail.

6. 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 Exclusive Special Excise Court No. 1-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Desari (Sahdei O.P.) P.S. Case No. 318 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.

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

(Dr. Anshuman, J.)

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