

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41314 of 2022

Arising Out of PS. Case No.-147 Year-2021 Thana- KURSAILA District- Katihar

Sonu Kumar @ Sah Jamal Sons Of Md. Anwar @ Anwar Ansari R/O-
Tengariya, P.S.- Kursela, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-09-2022 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
Kursela P.S. Case No. 147 of 2021 arising out of G.R. No. 3788
of 2021 lodged under Section 30(a) of the Bihar Prohibition and
Excise Act.

As per the prosecution case, the total recovery of
110.61 liters of foreign made wine has been made in this case.

Learned counsel for the petitioner submits that
nothing was recovered from the possession of the petitioner but
the said recovery was made from the co-accused of this case.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 12.05.2022 having 2 criminal antecedents in which he is on bail. He further submits that petitioner is not apprehended from the place of occurrence and petitioner's name has come in this case by the virtue of confessional statement of apprehended persons from whose possession wine has been recovered.

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 Court of 4th Additional Sessions Judge cum another Special Excise Court No. 2, Katihar in connection with Kursela P.S. Case No. 147 of 2021 arising out of G.R. No. 3788 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 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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