

0IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1826 of 2018

Arising Out of PS.Case No. -152 Year- 2017 Thana -GAUTAMBUDHNAGAR District- SIWAN

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1. Surendra Prasad S/o Ramanand Prasad R/o Village - Katalpur, P.S. - G.B. Nagar, District - Siwan. Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Smt Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

02 24-01-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in G.B. Nagar P.S. Case No.152 of 2017 registered under Sections 272, 273 and 308 of the Indian Penal Code and Sections 30, 36 & 38 of the Bihar Prohibition and Excise Act, 2016.

2616 liters of country made liquor is said to have been recovered from the orchard of Barku Singh @ Suresh Singh unloaded from the truck by 8 persons. The petitioner and the other accused persons managed to escape.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has been falsely implicated in this case. He has no concern with the seized



liquor. His name has surfaced in the case mainly on the secret information received by the police and the source of genuineness of the said information has not been disclosed by the prosecution and barring this there is nothing on record indicating the complicity of the petitioner in the occurrence. Though three criminal cases including one under Excise Act has been lodged against the petitioner earlier but the petitioner is on bail in the aforesaid cases. The petitioner has been languishing in custody since 06.11.2017. Similarly situated co-accused persons, namely, Brajesh Prasad and Kamta Prasad Singh @ Bhutur Singh @ Bhutu Singh have been granted bail by different coordinate Bench of this Court in Cr. Misc. No.57974 of 2017 and Cr. Misc. No.46515 of 2017 vide order dated 18.12.207 and 17.10.2017 respectively.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 2nd, Siwan in connection with G.B. Nagar P.S. Case No. 152 of 2017.

(Prakash Chandra Jaiswal, J)

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