

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14160 of 2018

Arising Out of PS.Case No. -427 Year- 2017 Thana -DEEPNAGAR District- NALANDA
(BIHARSHARIFF)

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1. Suraj Kumar, Son of Mahendra Sao @ Mahendra Prasad, R/o-
Mohaddinagar, P.S.- Bihar, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Prasad

For the Opposite Party/s : Mr. Sri Arun Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
21.12.2017 in connection with Deepnagar P.S. Case No. 427 of
2017 for offences punishable under Sections 272, 273 and 34 of
the Indian Penal Code and Section 30 (a) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret information that one Tata A.C. vehicle
is carrying huge consignment of foreign liquor, the police reached
the place and found two persons in a motorcycle directing the said
Tata vehicle. On seeing the police one of the motorcyclists fled



away but other namely Karu Kumar was apprehended who named the petitioner as driver of the said Tata vehicle along with other persons. On search from the car 504 bottles containing 750ml, 180 bottles containing 375ml and 72 bottles containing 180ml foreign liquor was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and was not apprehended on the spot. Co-accused Karu Kumar apprehended on the spot has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 10918 of 2018 on 23.02.2018. The owner named by the co-accused has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 6699 of 2018 on 17.02.2018. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned



Additional Sessions Judge-VI-cum-Special Judge Excise, Nalanda
at Biharsharif in connection with Deepnagar P.S. Case No. 427 of
2017, subject to the conditions that:

- (1) One of the bailors would be a close
relative of the petitioner having
sufficient immovable property, who
will file an affidavit stating his
relationship with the petitioner.
- (2) If the petitioner indulges in an
offence of similar nature in future,
the prosecution will be at liberty to
move the learned court below for
cancellation of his bail bonds.

(Nilu Agrawal, J)

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