

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23482 of 2020

Arising Out of PS. Case No.-67 Year-2020 Thana- GRIYAK District- Nalanda

Surendra Sao @ Surendra Saw, Son of Bhagirath Sao, Resident of Village -
Simadih, P.S. - Birni, District - Giridih (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha, Advocate
For the Opposite Party/s : Smt. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-09-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Giriyak P.S. Case No.67 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Total 228.8 litres Indian Made Foreign Liquor is



alleged to have been recovered from the car. The petitioner has also been apprehended from the car during routine checking of the vehicles at national highway.

It is submitted by the petitioner's counsel that the petitioner is the Driver of the vehicle in question. The person who allegedly ran away from the car is the owner who could only answer as to what was kept in the dicky of the car. The petitioner had no knowledge. Upon his arrest on 05.03.2020, he was forwarded to judicial custody on 06.03.2020 and since then he is languishing in jail. He has no criminal antecedents.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released 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 3rd Additional Sessions Judge-cum-Special Judge (Excise), Nalanda at Bihar Sharif, in connection with Giriyak P.S. Case No.67 of 2020, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an



affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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