

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18232 of 2021**

Arising Out of PS. Case No.-567 Year-2020 Thana- NARPATGANJ District- Araria

MD SURTUJA ALAM @ MD SURTAJA SON OF NOOR MOHAMMAD
R/O VILLAGE- PAGHIYA RAWAITI WARD NO.9, P.S.- KATHAIYA,
DISTRICT- MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Ms Meena Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 26-10-2021 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, APP) appearing for the State of Bihar.

The petitioner seeks bail in Narpatganj Police Station (for brevity, PS) Case No 567 of 2020 instituted for the offence punishable under Sections 30 (a), 41, 47 of Bihar Prohibition and Excise Act, 2016.

Co-accused Shivnath, Guddu Kumar and Pramod Kumar were arrested from the vehicle from where there is recovery of 250.200 liters of illicit liquor. They have stated the name of the petitioner and the owner of the vehicle in question. The petitioner, thereafter, has been arrested from a hotel.

Learned counsel for the petitioner submits that even



as per prosecution case, the petitioner was not arrested at the time and place of recovery. There is no recovery from his possession. Co-accused, who were driver and cleaner of the vehicle, were caught with the illicit liquor. The petitioner cannot be held liable for such recovery. He is in custody since 25.12.2020, having no criminal antecedent.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Araria in connection with Narpatganj PS Case No 567 of 2020 giving rise to Special Case No 1111 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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