

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24123 of 2021

Arising Out of PS. Case No.-591 Year-2020 Thana- KANTI District- Muzaffarpur

SURENDRA SAH @ SURENDRA KUMAR SAH Son of Late Sukhul Sah
Resident of Village - Sadatpur, P.S.- Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 26-11-2021 Heard Sri Sanjay Kumar @ S.K, learned counsel for
the petitioner and Sri Manoj Kumar, learned A.P.P. for the State
through video conferencing.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks bail in connection with Kanti
P.S. Case No. 591 of 2020, for the offence under Section 30(a)
of the Bihar Prohibition and Excise Act, 2016 as amended up to
date.

The prosecution case, in brief, is that 3 to 4 persons
fled away while the raid was conducted and 220.740 litres of
illicit liquor was recovered in front of house of one Shashi
Kumar Choudhary concealed in the sand. Three persons named
in the F.I.R. were apprehended on being identified by the



Chowkidar of the village.

Learned counsel appearing on behalf of the petitioner submits that nothing has been recovered from the possession of the petitioner for which he has made specific statement in paragraph No. 7 of the petition. Further submission is that petitioner was not arrested on the spot and he has, nowhere, related with the other accused persons, namely, Shashi Kumar Choudhary and Rakesh Kumar Choudhary @ Monu Choudhary. He has further submitted that petitioner is of clean antecedent.

Learned A.P.P. for the State, however, opposes the prayer for grant of bail to the petitioner.

Having considered the facts and circumstances of the case and the fact that petitioner was not arrested on the spot and nothing has been recovered from the possession of the petitioner, let the petitioner be released on bail subject to furnishing of personal bond of Rs. 1,50,000/- (Rs. One Lakh Fifty thousand) by the petitioner and on furnishing bail bond of Rs. 20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Kanti P.S. Case No. 591 of 2020 subject to the following conditions:-



(I) That one of the bailors of the petitioner shall be his close relative. Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(II) That the petitioner shall not indulge in any similar offence till conclusion of the trial. If the petitioner is found involved in similar nature of offences, after his release on bail, the trial court shall take steps to cancel his bail bonds.

(III) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(IV) If the petitioner tampers with the evidence or the witnesses of the case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

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