

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30843 of 2021

Arising Out of PS. Case No.-12 Year-2021 Thana- AMBA District- Aurangabad

SURABH KUMAR PATHAK @ SAURABH KUMAR PATHAK Son of
Brinda Pathak Resident of Village- Darua, P.S. Husainabad, District- Palamu
(Jharkhand)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramendra Kumar Singh,Advocate
For the Opposite Party/s : Mr.Md.Fahimuddin,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-10-2021 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with G.R. No. 150 of 2021 arising out of
Amba P.S. Case No. 12 of 2021 registered for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise
Act. He is in custody since 03.02.2021. The petitioner has got
no criminal antecedent.

As per the prosecution story, the police in course of
vehicle checking, intercepted one Swift Car from which two
persons were apprehended including this petitioner. On search



of the said vehicle, total 292.5 liters of illicit liquor has been recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that co-accused Ravi Ranjan has already been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 33424 of 2021. The petitioner is in custody since 03.02.2021 having no criminal antecedent. It is submitted that the vehicle in question does not belong to the petitioner.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein total 292.5 liters of illicit liquor is said to have recovered from Swift Car the submission being that the vehicle in question does not belong to the petitioner, the petitioner has no criminal antecedent, he has remained in custody since 03.02.2021, the co-accused Ravi Ranjan has been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 33424 of 2021, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the



like amount each to the satisfaction of learned Additional Sessions Judge, II-cum-Special Judge, Excise, Aurangabad, in connection with Amba P.S. Case No. 12 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that one of the bailors shall be the resident of the State of Bihar having sufficient means.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

