

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40071 of 2020**

Arising Out of PS. Case No.-137 Year-2020 Thana- YADOPUR District- Gopalganj

=====

SURENDER KUMAR KUSHAWAHA @ SURENDRA KUMAR  
KUSHAWAHA @ SURENDER BHAGAT, S/o Harishankar Bhagat R/o  
village- Bagaha, P.S.- Jadopur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Setu Prateek, Advocate

For the Opposite Party/s : Mr. Saltanu, APP

=====

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      09-02-2021                      Heard Mr. Setu Prateek, learned Counsel for the  
  
petitioner and Mr. Saltanu, learned Additional Public Prosecutor  
  
for the State.

This application, for grant of regular bail, arises out  
of Yadopur Police Station Case No. 137 of 2020, disclosing  
offences under Section 30(a) of the Bihar Prohibition and Excise  
Amendment Act, 2018.

The allegation, as per the First Information Report  
is that the police got information that five persons have  
assembled near the place of occurrence and are dealing with  
illegal wine, proceeded towards the place of occurrence and  
upon seeing the police party, all persons started fleeing away but  
the petitioner was arrested from the place of occurrence and



near the bank of river Gandak, 171 litres of illicit liquor has been recovered.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. Learned counsel next submits that from perusal of the First Information Report and seizure list, it would be evident that no illicit liquor has been recovered from the conscious possession of the petitioner but the same has been recovered near the river Gandak. Learned counsel further submits that petitioner is in custody since 05.09.2020 having no criminal antecedent.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that no illicit liquor has been recovered from the conscious possession of the petitioner and the petitioner is in custody since 05.09.2020, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, Surender Kumar Kushawaha @ Surendra Kumar Kushwaha @ Surender Bhagat, 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 Additional Sessions Judge 2<sup>nd</sup>-cum-Special Judge (Excise Act), Gopalganj, in connection with



Yadopur Police Station Case No. 137 of 2020.

It is made clear at the time of furnishing bail bond, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

sanjeev/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

