

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54508 of 2021

Arising Out of PS. Case No.-33 Year-2021 Thana- NADI P.S. District- Patna

SURMUKH SINGH @ SURMUKH SINGH DHARIWAL @ SURMUKH SINGH DARIWAL SON OF LATE UGAR SINGH RESIDENT OF HOUSE NO 72 RAJ GARDEN NARAYAN GARH BARNALA, P.S- PANJOKHRA SAHIB, DIST- AMBALA CITY (HARYANA), PRESENTLY R/O 1006 FIRST FLOOR, SECTOR NO 80 SOHANA SASNAGAR, P.S- SOHANA SASNAGAR, DIST- MOHALI (PUNJAB)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha, Adv.

For the Opposite Party/s : Mr. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-12-2021 Heard the learned counsel for the petitioner and the learned APP for the State, Ms. Anita Kumari Singh.

The petitioner seeks regular bail in connection with Special Case No. 1478/2021 arising out of Nadi P.S.Case No. 33/2021, registered for the offence punishable under Sections 420, 467, 468, 471/34 of the Indian Penal Code and Sections 30(a), 36, 41 of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of huge quantity of illicit liquor from a truck.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 6.3.2021. The learned counsel for the petitioner has further submitted, by referring to paragraph no. 2 of the supplementary affidavit filed today, that the truck in question does not belong to the petitioner. It is also submitted that the name of the petitioner has transpired upon disclosure made by the co-accused persons, namely, Niranjana Singh and Jitendra Vishwakarma. It is further submitted that the petitioner is an accused in one other case, but in the said case, he was remanded after being arrested in the present case.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials



available on record as also considering the fact that the petitioner is neither the owner nor the driver of the truck in question and his name has transpired in the present case upon disclosure made by the co-accused persons , I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna in connection with Special Case No. 1478/2021 arising out of Nadi P.S.Case No. 33/2021.

(Mohit Kumar Shah, J)

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