

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 9768 of 2021

Arising Out of PS. Case No.-72 Year-2020 Thana- DAUDPUR District- Saran

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Suraj Kumar Sah, aged about 20 years, Gender-Male, Son of Ramlal Sah,
Resident of Village - Inayatpur , PS- Daudpur, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the State : Ms. Indu Kumari Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 28-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Dewendra Narayan Singh, learned counsel
for the petitioner and Ms. Indu Kumari Shrivastava, learned
Additional Public Prosecutor (hereinafter referred to as the ‘APP’)
for the State.

3. The petitioner is in custody in connection with
Daudpur PS Case No. 72 of 2020 dated 02.04.2020, instituted
under Sections 272, 273, 290, 506/34 of the Indian Penal Code
and 30(a), 37(b)(c) of the Bihar Prohibition and Excise Act, 2016
(hereinafter referred to as the ‘Act’).



4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by judgment and order dated 02.07.2020 passed in Cr. Misc. No. 19872 of 2020.

5. The allegation against the petitioner is that he was selling liquor and two other co-accused were in a drunken state and were creating ruckus and from the spot, 200 litres of countrymade liquor was found in a carton.

6. Learned counsel for the petitioner submitted that he was present at the spot but the recovered countrymade liquor did not belong to him and he has no connection with it. Further, it was submitted that he is in custody since 03.04.2020. Learned counsel submitted that there are three other cases against the petitioner in which he is on bail but the same are not under the Act and, thus, this is the first case against him under the Act. It was further submitted that the Court may impose strict conditions and the petitioner undertakes not to indulge in such activity.

7. Learned APP submitted that the petitioner cannot plead innocence as from his possession 200 litres of countrymade liquor in a carton was recovered and he was selling the same.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.



25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran at Chapra in Daudpur PS Case No. 72 of 2020 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.



10. The petition stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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