

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6375 of 2022

Arising Out of PS. Case No.-279 Year-2021 Thana- OBRA District- Aurangabad

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SURENDRA KUMAR @ SURENDRA, SON OF KAPURA SINGH R/O
VILLAGE- - 66 PEGAN, P.S.- ALAYAWA, DISTRICT- JIND, HARIYANA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rupa Kumari
For the Opposite Party/s : Mr.Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Obra
P.S. Case No. 279 of 2021, dated 16.11.2021, registered
for the offences punishable under Sections 30 (a) of Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per allegation, 5,813.64 liters of foreign made
wine was recovered from a vehicle.

The learned counsel for the petitioner submits that
the petitioner is innocent and falsely implicated in this case.
He further submits that the petitioner was the driver of the
vehicle wherefrom alleged recovery has been made. He



further submits that he was not aware of the liquor kept in the vehicle. He was driving the vehicle only on the instructions of his owner.

The petitioner is in custody since 17.11.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Hon'ble Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

Considering the facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge, II cum – Special Judge (Excise), Aurangabad in connection with Obra P.S. Case No. 279 of 2021 on the following conditions:

(i) The petitioner will make himself available for



interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.



The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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