

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16320 of 2022

Arising Out of PS. Case No.-538 Year-2021 Thana- RAJAOLI District- Nawada

Suresh Turiya Son Of Late Shankar Turiya Resident Of Vill- Itpakwa, P.S-
Kawakole, Dist- Nawada

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State by virtual mode.

The petitioner seeks bail in connection with Rajauli P.
S. Case No. 538 of 2021 registered for the offences punishable
under Section 30(a)/(d)/41 of the Bihar Prohibition and Excise
Act, 2016.

As per prosecution case, there is alleged recovery of
90 litre country made wine and 4000 litres fermented Java
Mahua from Job pond near Sarki Jangal and the petitioner was
apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 29.10.2021 and bears no criminal



antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the evidence. Learned counsel for the petitioner further submits that alleged recovery has been made from Job pond near Sarki Jangal and petitioner has no concern with the seized liquor. Nothing has been recovered from the conscious possession of the petitioner. The name of the petitioner has been falsely implicated in this case due to dirty village due to dirty village politics.

The learned A.P.P. for the State vehemently opposes the prayer for the bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view the clean antecedent, charge sheet has been submitted in the case and there is no likelihood of tampering the evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. II, Nawada in connection with Rajauli P. S. Case No. 538 of 2021, subject to following conditions:-

(I) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the



affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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