

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20300 of 2022

Arising Out of PS. Case No.-186 Year-2021 Thana- KALUAHI District- Madhubani

SURAJ KUMAR ROY Son of Late Pappu Ray Resident of Village -
D.M.C.H. Near Yatayat Thana Ward No.- 37, P.S.- Yatayat, District -
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kaluahi P.S. Case No. 186 of 2021 registered for the alleged offences under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2016.

As per prosecution case, the police recovered 147 liters country made nepali liquor from a tempo and the petitioner is stated to be the driver of the said tempo who was

apprehended from the spot along with co-accused Pawan Kumar Mandal.

Learned counsel for the petitioner submits that the petitioner was merely a passenger in the tempo and he has no knowledge about the liquor kept in the tempo. The petitioner is neither the driver as alleged nor the owner of the said tempo. He has been falsely implicated in this case and nothing has been recovered from his conscious possession. Charge sheet has been submitted in this case and the petitioner is in custody since 06.12.2021.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made on behalf of the parties and considering the facts and circumstances and the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Session Judge-II -cum-Special Judge, Excise, Madhubani in connection with Kaluahi P.S. Case No. 186 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure

and also the following conditions:

- (i) One of the bailors will be the person, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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