

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22579 of 2022

Arising Out of PS. Case No.-56 Year-2021 Thana- PAROO District- Muzaffarpur

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Surmukh Singn @ Surmukh Singh Dhariwal @ Surmukh Singh Dhaliwal, S/o Late Ugar Singh, Resident of House No.72, Raj Garden Barnala, P.S.- Panjokhora Sahib, District- Ambala City (Haryana) Presently residing at House No. 1006 (wrongly stated as 1896 in the F.I.R.) First Floor, Sector No.80, Sohana P.S.- Sasnogar, District- Mohali (Panjab)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha, Advocate
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioner and learned APP for the State through video conferencing.

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 Paroo P.S. Case No. 56 of 2021 registered for the alleged offences under Sections 30(a), 36 and 41(1) of the Bihar Prohibition and Excise Act.

As per prosecution case, police received information about unloading of liquor from a truck. One person was apprehended during the raid and rest of the persons fled away



from there and total 4482.720 litres of foreign liquor was recovered from the truck and other vehicles. The petitioner is allegedly the supplier of the liquor.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern with either the co-accused Pawan Kumar or any of the co-accused persons. The petitioner never indulged in liquor business either legal or illegal. Neither the truck nor the other vehicles nor the liquor belong to this petitioner. Except for the statement of co-accused Pawan Kumar, there is no cogent evidence against this petitioner. The petitioner is a transporter and he removed co-accused Pawan Kumar from the job as he was driving one of his trucks so the co-accused named this petitioner due to malice and grudge. The petitioner is in custody since 26.02.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that this petitioner has got three cases of similar nature pending against him.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and nothing incriminating has been recovered



from his conscious possession and further considering the submission of charge-sheet along with the period of his custody, 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 Special Judge Excise Court No.II, Muzaffarpur, in connection with Paroo P.S. Case No. 56 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be Harjeet Kaur, mother of the petitioner, who has sworn the affidavit.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) 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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