

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27447 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- DEO District- Aurangabad

Surendra Saw Son Of Ramgulaman Saw @ Gulaman Saw R/O Village- Ward
No.11, Salaiya, P.S.- Salaiya, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar, Advocate.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ranjit Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Deo P. S. Case No. 73 of 2022 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act.

As per the prosecution case, it is alleged that in course of vehicle checking, the petitioner was apprehended while he was riding on a motorcycle and on search, total 2.70



litres Indian made foreign liquor was recovered. It is further alleged that two other tempo have also been apprehended and from where total 285.6 litres country-made liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that in fact, nothing has been recovered from the person or possession of this petitioner and only because of some altercation, which took place between the Police and this petitioner at the time of vehicle checking, he was arrested and recovery has been shown from his possession. It is further submitted that the petitioner has no concern with the alleged motorcycle as also with the illicit wine. It is next submitted that only because of past two criminal antecedent, his name has been implicated in this case. It is lastly submitted that this petitioner is in custody since 31.03.2022.

On the other hand, learned APP for the State opposes the bail application and submits that the petition was arrested at the spot and recovery has been made from his possession.

Having considered the submissions made on behalf of the parties and taking into account the fact that the seized motorcycle does not belong to the petitioner and he is in custody



since 31.03.2022 and moreover, the investigation of the crime is already completed and the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court, First, Aurangabad (Bihar) in connection with Deo P. S. Case No. 73 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed



his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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