

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30736 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- BUXAR RAIL P.S. District- Bhojpur

SURYANSH KUMAR Son of Jitendra Prasad Resident of Mohalla - Purab
Sarai, P.S. - Kotwali, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar Choudhary, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-08-2022 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. Raj Kumar Choudhary, learned counsel for the petitioner as well as Mr. Satyendra Narayan Singh, 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 Buxar Rail P. S. Case No. 17 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 while the railway police was engaged in ticket checking, in the



meantime, they saw a boy was standing with a trolley bag, on noticing the police party the boy tried to flee away from the spot, however, later on, he was apprehended and from his trolley bag total 25.200 litres Indian made foreign 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 during the course of ticket checking some altercation took place and his name has been implicated in this case. It is further submitted that the petitioner has no concern, with the said trolley bag, which is said to have been recovered from the platform. It is next submitted that the petitioner is a valid passenger of the train, having bona fide ticket. It is lastly submitted that the petitioner is in custody since 26.01.2022, having fair antecedent.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the nature of allegation as well as the fact that the petitioner having fair antecedent and is in custody since 26.01.2022 and moreover, after completion of the investigation, the charge sheet has been submitted, let the



petitioner, above named, be released on bail on furnishing bail bonds 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. 1st, Bhojpur, Ara in connection with Buxar Rail P. S. Case No. 17 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.

(Harish Kumar, J)

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