

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39734 of 2021

Arising Out of PS. Case No.-92 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Surendra Kumar @ Surendra Raut, Son of Vishwanath Raut Resident of
Village - Madudabad, P.S. - Mohiuddin Nagar, Dist. - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Adv.

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-01-2022 The matter has been listed today for consideration
through virtual mode.

Heard learned counsel appearing on behalf of the
petitioner as well as learned Additional Public Prosecutor
appearing for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 06.05.2021 seeks
bail in connection with Mohiuddin Nagar P.S. Case No.92 of
2021 registered for offence punishable under Section 30(a) of
the Indian Penal Code.

Prosecution case in brief, is that altogether 188.640



liters of illicit liquor was recovered from the vehicle of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that he is the owner of the vehicle and the person who had hired the vehicle is responsible for possessing the aforesaid illicit liquor and just for being the owner of the vehicle he has been roped in the present case. He further submits that petitioner is having no criminal antecedent and fault of other accused person he has been made to remain in custody since 06.05.2021.

Learned APP for the State vehemently opposes the prayer for grant of bail to the petitioner. It has further been submitted that petitioner should not be released on bail since the organized trade of illicit liquor is rampant in the State of Bihar and its consumption has led to the death of several innocent people and such conduct of the petitioner is also against the public interest and as such petitioner being one of the member of such organized trade do not deserve to be released on bail.

Considering the above-mentioned facts and circumstances of the case and taking into consideration that petitioner was not present at the time of alleged seizure of the illicit liquor from the vehicle, and there being no allegation of tampering the evidence and influencing the witnesses and there



is no chance of trial being concluded soon, the petitioner, above named is directed to be enlarged on bail on furnishing draft of Rs.2,00,000/- in favour of Bihar State Legal Services Authority at Patna in court below, which shall be retained by the court below to see that the petitioner does not involve in any other similar case or any case and if the Bank Draft of aforesaid amount is deposited in manner stated above then the petitioner shall be released forthwith upon furnishing bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, IInd-cum-Special Judge Excise, Samastipur, in connection with Mohiuddin Nagar P.S. Case No.92 of 2021 subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

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

(4) If the petitioner is found involved in similar nature



of offence, after release on bail, the trial court shall take steps to cancel his bail bonds.

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

It is made clear that if the petitioner is involved subsequently in another excise matter or in any other case then the amount of bank draft will be deposited in the account of Bihar State Legal Services Authority, Patna. If the Court below finds the conduct of the petitioner is uniformly good, then the said draft be returned back to the petitioner on such appropriate terms and conditions fixed by the court below.

(Purnendu Singh, J)

Prakash Narayan /-

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