

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45908 of 2021**

Arising Out of PS. Case No.-44 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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SURENDRA GOSAI S/o DOWARIKA GOSAI R/o VILLAGE-
BRAMHPUR, P.S- GAUR, DISTRICT-RAUTHAT, NEPAL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of 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 16.01.2021 seeks
regular bail in connection with C2 Case No. 44 of 2021
registered for offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

Prosecution case in brief is that altogether 252 litres
of Nepali Soufi liquor was being smuggled from Nepal to India.
The petitioner along with three co-accused persons was
apprehended by the S.S.B on 15.01.2021 near B.P. No. 341. The



petitioner has confessed his involvement in the present case.

Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in the present case and he has got no criminal antecedent. He further submits that under coercion the petitioner has confessed before the police authority. He further submits that nothing has been recovered from the possession of the petitioner and the petitioner being innocent is in custody since 16.01.2021.

Learned A.P.P. has opposed the prayer for bail.

Considering the above mentioned facts and circumstances of the case as well as there is no allegation of tampering the evidence or influencing the witness against the petitioner, the petitioner is directed to be enlarged to bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions judge-II-cum-Special Judge (Excise), Sitamarhi in connection with C2 Case No. 44 of 2021 subject to the following conditions:

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

(ii) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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