

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36842 of 2022

Arising Out of PS. Case No.-80 Year-2022 Thana- MADHUBANI TOWN District-
Madhubani

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Suraj Kumar @ Jaddu, Son Of Dilip Mahto @ Goriwala, Resident Of Village-
Gadiyani, Ward No. 5, P.S.- Town, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within 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 Town P.S. Case No. 80 of 2022 registered for
the alleged offences under Sections 272, 273/34 of the Indian
Penal Code and Section 30 (a) of the Bihar Prohibition and
Excise Act.

As per prosecution case, the police received secret
information about two persons carrying illicit liquor on a
motorcycle. When the said motorcycle was tried to be



intercepted, its riders fled away leaving behind their motorcycle from which 3.42 litres of Nepali country made liquor was recovered. The police came to know from the local people that the petitioner and other two co-accused persons have been bringing illicit liquor from Nepal and selling it in India.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has not been arrested from the spot and nothing incriminating has been recovered from his conscious possession. Charge sheet has been submitted in this case and the petitioner is in custody since 28.03.2022.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in nine such cases as well.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has not been arrested from the spot and no recovery has been shown from him and further considering the submission of charge sheet and the period of custody of the petitioner, he 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 2nd Additional Sessions Judge-cum-



Special Judge, Excise Act, Madhubani, in connection with Town
P.S. Case No. 80 of 2022, 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 a close relative
of the petitioner.

(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)

V.K.Pandey/-

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