

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41545 of 2022**

Arising Out of PS. Case No.-351 Year-2021 Thana- TAJPUR District- Samastipur

Surendra Singh @ Surendra Kumar Singh Son of Ram Sagar Singh Resident
of village- Chandauli, Ward no. 5, P.S.- Tajpur (Waini O.P.) District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

2 29-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Tajpur (Waini O.P.) P.S. Case No. 351 of 2021 lodged under
Section 30(a) of Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, total recovery of 1644
litres foreign wine was alleged to be made.

Learned counsel for the petitioner submits that the
entire case is false and police has filed this F.I.R. in complete
haste due to the reason that in the F.I.Rs. seizure list, the total
recovery shown 1644 litres whereas in the charge sheet which is

Annexure-3 of the petition they have shown that only 504 litres of foreign liquor alleged to be recovered. Learned counsel further submits that petitioner is not apprehended on spot and hence no recovery has been made from his possession. He further submits that petitioner is in custody since 19.04.2022 having clean antecedent.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge (Excise) Act, Samastipur in connection with Tajpur (Waini O.P.) P.S. Case No. 351 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall

file affidavit before the court about his relation with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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