

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42014 of 2022

Arising Out of PS. Case No.-292 Year-2021 Thana- SABAUR District- Bhagalpur

SURAJ KUMAR Son of Ratan Singh Resident of Village - Mirjanhat, P.s.-
Mojahidpur, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar
For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-08-2022 Let the defect(s) 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
Sabour (Goradih) P.S. Case No. 292 of 2021, lodged under
Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

As per prosecution case, total recovery of 81 litres of
foreign liquor was alleged to be made from the Swift car in
which the present petitioner was sitting and he was apprehended
from the place of occurrence.

Learned counsel for the petitioner submits that though he
was arrested from the said Swift car but he is neither driver nor
owner in any way related to the said car. He submits that he is a



person who has taken lift in the car and was completely unaware that what is present in the said car. He is in custody since 15.11.2021, charge-sheet has already been filed in this case and one case pending against him is of different nature not of excise act.

Learned APP for the State opposes the prayer for bail.

In the present facts and circumstances of the 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 Special Judge, Exclusive Excise Court No. 2, Bhagalpur in connection with Sabour (Goradih) P.S. Case No. 292 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.
- (C.) The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity



during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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