

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51349 of 2021

Arising Out of PS. Case No.-149 Year-2019 Thana- THAWE District- Gopalganj

SURAJ KUMAR S/o UMESH SINGH R/o VILLAGE-BRINDABAN SADA
SIRAY KA TOLA (CHAI TOLA), P.S-UCHAKAGAON, DISTRICT-
GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwajeet Kumar Mishra, Advocate
For the Opposite Party/s : Ms.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Thawe P.S.
Case No. 149 of 2019 registered for the offences punishable
under Sections 414/34 of the IPC and 30(a) of Bihar Prohibition
and Excise Act, 2018.

There is total recovery of 2989.44 litres of illegal wine
from the vehicles in question.

Learned counsel for the petitioner submits that



petitioner has committed no offence and he has falsely been implicated in the present case. Petitioner was not arrested on the spot. Name of the petitioner has been disclosed by the accused persons who were arrested on the spot. It is further submitted that it appears from the FIR itself that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from different vehicles in question. It is further submitted that co-accused, namely, Naushad Ali and Nandjee Yadav @ Nandji Yadav have been granted bail by a co-ordinate Bench of this court vide order dated 06.12.2019 passed in Cr. Misc. No. 80344 of 2019. Similarly, Co-accused Amit Singh @ Amit Kumar Singh and Ajit Singh @ Ajit Kumar Singh have been granted bail by a co-ordinate Bench of this court vide order dated 06.03.2020 passed in Cr. Misc. No. 76689 of 2019. Similarly, co-accused Sri Ram has been granted anticipatory bail by a co-ordinate Bench of this court vide order dated 25.11.2019 passed in Cr. Misc. No. 73907 of 2019. Petitioner is in custody since 10.06.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances as



well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Gopalganj cum Special Judge, Excise, Gopalganj in connection with Thawe P.S. Case No. 149 of 2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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