

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42705 of 2022

Arising Out of PS. Case No.-338 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

=====

Suraj Kumar Son Of Sakindra Sah Resident Of Village- Dumri, P.S- Sadar,
Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan
For the Opposite Party/s : Mr.Indu Kumari Srivastava

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through
video conferencing.

Petitioner seeks bail in a case registered in
connection with Muzaffarpur Excise P.S. Case No. 338 of
2022 for the offences punishable under Sections 30(a),
32(3), 36 of the Bihar Excise (Prohibition) Amendment Act.

As per the prosecution case, it is alleged that the
police on confidential information raided the house of co-
accused Sumit Rai @ Ranjan Kumar, on search total 422.28



liters Indian made foreign liquor was recovered. It is further alleged that the apprehended persons disclosed that the liquor was supplied by the petitioner and co-accuse Sanny Kumar.

Learned counsel for the petitioner submits that from the FIR, it would be evident that the petitioner was neither apprehended at the spot nor any incriminating article has been recovered from his person or possession and moreover, co-accused person from whose possession recovery has been made has already been granted bail by this Court in Cr. Misc. No. 42697 of 2022 vide order dated 01.09.2022. He next submits that petitioner is in custody since 21.06.2022 and the investigation is already complete and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has found involved in one another case.

Regard being had to the submission made on behalf of the parties and considering the fact that petitioner was neither apprehended at the spot nor any incriminating material has been recovered from person or possession and



he is in custody since 21.06.2022. Moreover, the co-accused person from whose possession the recovery has been made has already been granted bail, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Muzaffarpur in connection with Muzaffarpur Excise P.S.Case No. 338 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J)

N.K/-

U		T	
---	--	---	--

