

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45406 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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SURAJ KUMAR SON OF SHRI VEER BAHADUR SHAH R/O VILLAGE-
DUDHI BHARWALIYA, WARD NO.-11, P.S.- HARSIDHI, DISTRICT-
EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-09-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with Excise

Bettiah P.S. Case No. 43 of 2022 registered for the offences

punishable under Sections 30(a) of the Bihar Prohibition and

Excise Amendment Act and cognizance has been taken under

Section 414 of I.P.C. and Section 30(a) of Bihar Prohibition and

Excise Act.

As per prosecution case, there is alleged recovery

of 15.480 litres illegal liquor from dickey of motorcycle.

Petitioner is apprehended on spot.



Learned counsel for the petitioner submits that petitioner is in custody since 19.05.2022. Petitioner bears no criminal antecedent. Prosecution report has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged motorcycle.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, prosecution report has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Bettiah at West Champaran in connection with Bettiah Excise P.S. Case No. 43 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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