

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58597 of 2021

Arising Out of PS. Case No.-11 Year-2021 Thana- KALER District- Jehanabad

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SURENDRA @ SUKHA Son of Mahendra Singh Resident of Village -
Madina, P.S.- Bau akbarpur, Distt.- Rohtak (Hariyana)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nityanand

For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-02-2022 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 Kaler P.S.

Case No. 11 of 2021 arising out of Excise Case No. 196 of

2021 registered for the offences punishable under Section 30(a)

of Bihar Prohibition and Excise Act.

There is recovery of 1848.12 litres of illicit country

made foreign liquor.

Learned counsel for the petitioner submits that

petitioner has clean antecedent and has committed no offence



and he has falsely been implicated in the present case. He further submits 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 one Tata 1109 bearing Registration No. BR 27E 9490. He further submits that petitioner has no knowledge about the seized liquor. Petitioner is in custody since 03.03.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, 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-cum Special Judge, Excise, Jehanabad in connection with Kaler P.S. Case No. 11 of 2021 arising out of Excise Case No. 196 of 2021, subject to the following conditions:-

1. Both the bailors shall be the resident of territorial jurisdiction of the learned court below.
2. 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.

3. 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.

4. 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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