

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48741 of 2022

Arising Out of PS. Case No.-195 Year-2022 Thana- PHULWARIYA District- Gopalganj

Suraj Kumar @ Murat Kumar, S/o Bidya Ram, Resident of Village- Mashan
Thana, P.S.- Jadopur, District- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

In the present case, the petitioner seeks bail in
connection with Phulwariya P.S. Case No. 105 of 2022
registered for the alleged offences under Sections 427, 307 of
the Indian Penal Code and Section 30 (a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, during regular checking, the
police intercepted a Scorpio vehicle and 567.96 liters of India
made foreign liquor was recovered from the seized vehicle. The
petitioner is said to be the driver of the seized vehicle, who tried
to flee away from the scene but he was apprehended.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. The petitioner has no concern with the recovered articles and he was not aware about the nature of consignment. The charge sheet has been submitted in this case and the petitioner is in custody since 15.05.2022.

Learned A.P.P. opposes the prayer for bail made on behalf of the petitioner submitting that the petitioner is a habitual offender.

Having regard to the submissions made on behalf of the petitioner and considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Excise Court-1, Gopalganj, in connection with Phulwariya P.S. Case No. 195 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not



already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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