

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50672 of 2022

Arising Out of PS. Case No.-169 Year-2022 Thana- NAVINAGAR District- Aurangabad

SURENDRA JAISHWAL @ SURENDRA KUMAR JAISHWAL Son of
Ramkewal Prasad Jaishwal R/V- Sanichar Bazar, P.S- Nabinagar, Dist-
Aurangabad, At present resident of Mohalla- Sheoganj, Ward no. 29, Dehri,
PS- Dehri, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramendra Kumar Singh

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-09-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with
Nabinagar P.S. Case No. 169 of 2022, registered for the offences
punishable under Section 30(a) of the Bihar Excise &
Prohibition (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery
of 39 litre of illicit liquor from the house. Petitioner is not
apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 23.07.2022 and bears no criminal



antecedent. He further submits that petitioner is not residing at the house where the alleged recovery was made and the said house is joint parental house of the petitioner and present the petitioner is residing at Sheoganj, Ward No.29, Dehri, P.S.- Dehri, District-Rohtas for which a copy of Adhar Card which shows that the petitioner is presently not residing at Sanichar Bazar, P.S. Nabingar, District-Aurangabad as mentioned in Annexure-2 of the bail petition. He further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is not apprehended on spot.

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, period of custody, petitioner is not apprehended on spot, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides 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 Special Judge, Excise- 1st, Aurangabad in connection with Nabinagar P.S. Case No.169 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)

vashudha/-

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