

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51930 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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SURENDRA SINGH Son of Late Ramchandra Singh R/o village - Charo,
Ward No.- 11, P.S.- Warisnagar, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mahendra Pratap
For the Opposite Party/s : Mr.Dilip Kumar No. 1

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-10-2022 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 Excise
P.S. Case No. 133 of 2022 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

As per prosecution case, there is alleged recovery
of 42 litre illicit foreign wine from the courtyard of the
petitioner. Petitioner is said to have fled away from the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 03.07.2022 and bears criminal



antecedent of four cases of similar nature. He further submits that petitioner is not apprehended on the spot. Seizure list has not been made as per law. He further submits that alleged recovery has not been made from conscious possession of the petitioner rather the recovery has been made from joint family house. The petitioner has been implicated in this case merely on the basis of suspicion.

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

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, 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, **after framing of charge** 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 Court-2, Samastipur in connection with Excise P.S. Case No. 133 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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