

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63684 of 2021

Arising Out of PS. Case No.-111 Year-2019 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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Suraj Kumar @ Sapan Kumar @ Sappan Kumar @ Surya, Son of Fateh Singh, Resident of Village - Berthna @ Birhana, Pothmapur, Bartha, P.S.- Barth, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Irshad, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-05-2022 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks bail in connection with Rail P.S. Bakhtiyarpur Case No.111 of 2019 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 and 34 of the Indian Penal Code.

There is alleged recovery of 98 litres 896 ml illicit liquor from the train. Two persons have been apprehended and they have stated the names of two others who have fled away, including the petitioner.

Petitioner's counsel submits that it is a case of false implication. Merely because there is one case pending against



the petitioner since before, he has been implicated in this case. Even as per the prosecution case, he was not present at the place of recovery and there is no recovery of illicit liquor from his possession. Petitioner has remained in custody since 03.09.2021 and investigation is also complete.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the fact that there is no recovery from the petitioner's possession nor he has been arrested from the place of recovery and that his further custody is not required in view of the investigation having been completed, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 learned Special Judge, Excise, Patna, in connection with Rail P.S. Bakhtiyarpur Case No.111 of 2019, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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