

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64438 of 2021

Arising Out of PS. Case No.-347 Year-2021 Thana- PHULWARIYA District- Gopalganj

Surenbra Kumar, Son of Nagina Prasad, Resident of Village - Atarsua, P.S. - Saray, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 24-06-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Phulwariya P.S. Case No. 347 of 2021 registered for the alleged offences under Sections 420 and 34 of the Indian Penal Code and Sections 182 (A) (4) 177 and 179 M.V. Act and under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per allegation, 86.40 liters of foreign liquor was recovered from a car, however, learned counsel for the petitioner has submitted that nothing has been recovered from the



conscious possession of the petitioner, who was merely co-traveller in the car and he has no concern with illegal wine which was recovered from the said car. The co-accused Khalid Raja has been arrested from the spot and he disclosed that wine and vehicle belong to co-accused Sonu Kumar. The petitioner is in custody since 20.09.2021 and is having clean antecedent.

Learned APP has opposed the prayer for bail, submitting that a huge quantity of liquor has been recovered from a car.

Having regard to the submissions made hereinabove and considering the period of custody, the petitioner above named 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 Judge, Excise Act, Gopalganj in connection with Phulwariya P.S. Case No. 347 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for 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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