

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59451 of 2022

Arising Out of PS. Case No.-150 Year-2021 Thana- KURSAILA District- Katihar

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Suman Singh, Son Of Mahendra Singh, R/O Village- Koskipur, P.S.-
Tikapatti, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

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

In the present case, the petitioner seeks bail in
connection with Kursela P.S. Case No. 150 of 2021 registered
for the alleged offences under Section 30(a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, police received secret
information about a liquor smuggler bringing liquor on a
motorcycle. The motorcycle was intercepted but its rider fled
away. Recovery of 15 liters of country made liquor was made
from the said motorcycle. The local *Chowkidaar* disclosed the
name of the petitioner who was bringing the liquor and fled

away from the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has been named in this case merely on suspicion and on saying of the local *Chowkidaar*. Learned counsel further submits that the seized motorcycle does not belong to this petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 19.08.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that petitioner has got two criminal antecedent.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the submission of charge sheet along with period of custody of the petitioner, 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, Exclusive Excise Court No. 2, Katihar in connection with Kursela P.S. Case No. 150 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 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)

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