

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5081 of 2023

Arising Out of PS. Case No.-425 Year-2022 Thana- SULTANGANJ District- Patna

SURAJ KUMAR Son of Gulab Sah Resident of Mohalla- Shivpur, Tikiya
Toli, P.S.- Sultanganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Adv.

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
21.11.2022 in connection with Sultanganj P.S. Case
No.425/2022, F.I.R. dated 20.11.2022, for the offences
punishable under Sections 30(a) & 37(b) of Excise Act.

According to prosecution case, total 18.2 litres of
country made liquor is said to have been recovered from the
possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. He
further submits that there is non-compliance of Section 100 of
the Cr.P.C. and the police after investigation submitted the
charge sheet against the petitioner and the petitioner is in



custody since 21.11.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries four criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is in bail in all the four cases.

Considering the aforesaid facts and circumstances, 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 the learned Excise Court, Patna City, in connection with Sultanganj P.S. Case No. 425/2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
2. 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.
3. And further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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