

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5491 of 2023

Arising Out of PS. Case No.-72 Year-2021 Thana- RAIL JHAJHA District- Jamui

SURAJ KUMAR @ SURAJ KUMAR BERMA S/O RAJENDRA PRASAD
VERMA @ RAJENDRA VERMA @ RAJU VERMA Resident of village-
Sansar Pokhar, Ward No.- 17, P.S.- Lakhisarai (Kabiya), District- Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dipak Kumar, Adv.

For the Opposite Party/s : Mr. Arvind Kumar Pandey, 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
27.12.2022 in connection with Rail Jhajha P.S. Case
No.72/2021, GR. No. 1921/2021, F.I.R. dated 08.07.2021, for
the offences punishable under Sections 30(a) of Bihar
Prohibition and Excise (Amendment) Act, 2018.

According to prosecution case, 12 litres of foreign
liquor is said to have been recovered from the possession of the
co-accused namely Amar Kumar.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case only on the basis of disclosure made by the co-



accused namely Amar Kumar Paswan. He further submits that the petitioner was not apprehended on the spot and nothing has been recovered from conscious possession of the petitioner. He further submits that except the disclosure of the co-accused, no other cogent material has come during investigation to connect the involvement of the petitioner in the alleged occurrence and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 27.12.2022.

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 that the on the basis of para-3 of the bail petition, the petitioner is on 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 Exclusive Excise Court-1, Jamui, in connection with Rail Jhajha P.S. Case No.72/2021, GR. No. 1921/2021, 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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