

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8250 of 2023

Arising Out of PS. Case No.-11 Year-2021 Thana- KALER District- Jehanabad

Surendra @ Sukha S/o Mahendra Singh @ Mahender Singh R/o Village-
Madina, P.S.- Bau Akbarpur, Distt- Rohtak (Hariyana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dheeraj Kumar, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Amendment Act, 2018.

Earlier the prayer for bail of the petitioner was
allowed by order dated 04.02.2022 passed in Cr. Misc. No. 58597
of 2021 but in view of the condition no. 3 of the order dated
04.02.2022 the petitioner was not released. Thereafter, the
petitioner filed Cr. Misc. No. 36145 of 2022 for modification of
the order dated 04.02.2022 passed in Cr. Misc. No. 58597 of 2021
but the same was dismissed vide order dated 20.07.2022.

Learned counsel for the petitioner submits that the
petitioner carries two more cases other than the present one and



has been falsely implicated in the present case. He further submits that it appears from the F.I.R. itself that nothing has been recovered from the possession of the petitioner and recovery has been made from the vehicle in question. He further submits that the petitioner has no knowledge about the seized liquor and the petitioner is in custody since 03.03.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case and nothing has been recovered from the possession of the petitioner as well as the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kaler P.S. Case No. 11 of 2021, with 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 witness, 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 antecedents, 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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