

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20025 of 2023

Arising Out of PS. Case No.-623 Year-2022 Thana- DARIYAPUR District- Saran

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Suraj Mandal @ Suraj Kumar @ Suraj S/O Binod Mandal Resident of
Village- Keshri Nagar, P.S.- Shastri Nagar, District- Patna. Petitioner/s
Versus

The State Of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate
Mr. Manoj Kumar Gupta, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
26.01.2023 in connection with Dariaypur P.S. Case No. 623 of
2022, F.I.R. dated 18.11.2022 for the offences punishable under
Sections 30(a), 41(i)(ii) of Bihar Prohibition and Excise Act,
2016.

Recovery is of 308.430 liters of English wine.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
petitioner is not named in the F.I.R. and the name of the



petitioner has been transpired on the basis of the confessional statement of the co-accused person, namely, Rahul Kumar @ Motu. He further submits that it appears from the F.I.R. as well as seizure list that no incriminating article or illicit liquor has been recovered from the possession of the petitioner rather the recovery has been made from the vehicle in question. He further submits that the petitioner has no concern at all with the alleged recovery of the illicit liquor or the vehicle in question and except the confessional statement of the co-accused, no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 26.01.2023.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances and the petitioner has clean antecedent, 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 Additional District & Sessions Judge II-cum- Special Judge, Excise Act, Saran,



Chapra in connection with Dariyapur P.S. Case No. 623 of 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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