

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22252 of 2023**

Arising Out of PS. Case No.-36 Year-2023 Thana- SHIVSAGAR District- Rohtas

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SURAJ KUMAR SON OF LATE BIRENDRA PRASAD RESIDENT OF  
VILLAGE- MORSARAI, PS- SHIVSAGAR ,DIST -ROHTAS

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Vinay Kumar Singh

For the Opposite Party/s : Mr.Upendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      10-05-2023                      Learned counsel for the petitioner is permitted to  
  
make necessary correction in para 3 of petition filed on behalf  
  
of the petitioner during the course of the day.

Heard learned counsel for the petitioner and learned  
  
A.P.P. for the State.

The petitioner seeks bail in connection with Shivsagar  
  
P.S. Case No. 36 of 2023 registered for the offences punishable  
  
under Section 30(a) of the Bihar Prohibition and Excise Act ,  
  
2016.

As per prosecution case, there is alleged recovery  
  
of total 86.2 litre country made wine and foreign liquor from  
  
Mahindra tractor and one motorcycle in question and from  
  
plastic sack kept near said Mahindra tractor. Petitioner  
  
alongwith others apprehended on spot.



Learned counsel for the petitioner submits that petitioner is in custody since 20.01.2023 and bears criminal antecedent of one case of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is quiet innocent and has falsely been implicated in the case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-02-cum-Addl. District & Sessions Judge, Rohtas at Saasaram in connection Shivsagar P.S. Case No. 36 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

**(Alok Kumar Pandey, J)**

vashudha/-

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