

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35865 of 2023

Arising Out of PS. Case No.-125 Year-2021 Thana- BALIA BELON District- Katihar

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SURJIT BARMAN S/o- SONA BARMAN Village- Mokhillganj Ps- Koch
Vihar Dist- Koch Bihar W.B

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh

For the Opposite Party/s : Mr.Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Balia Belon P.S. Case No. 125 of 2021 registered for the offences punishable under Section 30(a) and 41 of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of total 1762.245 litre foreign liquor from the truck in question. Apprehended co-accused disclosed the name of petitioner and others who are involved in the business of illicit liquor.

Learned counsel for the petitioner submits that petitioner is in custody since 17.09.2022 and bears no criminal antecedent. 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 not apprehended on spot. He further submits that petitioner has no concern with the alleged recovered liquor. 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, keeping in view clean antecedent of the petitioner, 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 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. 1, Katihar in connection with Balia Belon P.S. Case No. 125 of 2021, G.R. No. 3948 of 2021, 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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