

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44384 of 2023**

Arising Out of PS. Case No.-35 Year-2023 Thana- PHULWARIA District- Begusarai

Suraj Kumar Son Of Ramsogarath Mahto @ Ramsogarth Mahto @ Sogarath Mahto Resident Of Village - Phulwaria - 3, Ward No.- 2, Vishar Asthan, P.S.- Phulwaria, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 31-07-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

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

3. The petitioner has preferred this application for grant of regular bail in connection with Phulwariya P.S. Case No. 35 of 2023 dated 15.02.2023 registered for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

4. As per the prosecution case, total 2553.240 litres of foreign liquor was recovered from a Tata 407 vehicle and an Anganwari centre.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this



case. The petitioner is neither the driver nor the owner of the said vehicle. The petitioner has no concern with the alleged recovery. The petitioner was not apprehended on the spot. The name of the petitioner has sprung up in the confessional statement of the co-accused Gautam Kumar. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 13.05.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Begusarai in connection with Phulwariya P.S. Case No. 35 of 2023.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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