

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50377 of 2023**

Arising Out of PS. Case No.-52 Year-2023 Thana- BALIYA District- Begusarai

SURESH KUMAR Son of Rambali Roy Resident of village - Jethuli, P.S. -  
Fatuha, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      16-08-2023      Heard the parties.

The petitioner is an accused in connection with Balia P.S. Case No. 52 of 2023 registered for the offences under sections 30(a), 32 and 41(i)(ii) of the Bihar Prohibition & Excise Amendment Act lodged on 17.02.2023 by the informant, Surendra Kumar Singh.

As per the prosecution story, the police in course of checking of the vehicle intercepted a 'Bolero' pick up and recovered 901.80 litres illicit liquor. The petitioner was arrested and FIR lodged.

It is the case of the learned Counsel for the petitioner that he is not the owner rather a driver, was carrying the goods little realizing that in between liquor has been placed. Further, has already suffered by being in custody since 18.02.2023(as



stated in paragraph 10 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the aforesaid submissions put forward by the learned Counsel for the petitioner as also his period of custody and he do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 2, Begusarai in connection with Balia P.S. Case No. 52 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Neha/-

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