

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52378 of 2023

Arising Out of PS. Case No.-309 Year-2023 Thana- GHORASAHAN District- East
Champaran

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SURENDRA KUMAR @ SULLI SON OF RAMASHRAY RAY RESIDENT
OF VILLAGE - CHHOTKA TOLA GAHAI, P.S. - DHAKA, DISTRICT -
EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumit Kumar, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 04-09-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 03.06.2023 seeks
bail, in connection with Ghorashahan P.S. Case No.309/2023,
dated 02.06.2023, for the offences punishable under Sections
30(a), 41(i) of Bihar Prohibition and Excise (Amendment) Act,
2018.
3. According to prosecution case, 173 litres of Nepali
Kasturi liquor has been recovered from the motorcycle of the
petitioner and 163.800 litres of Nepali liquor has been recovered
from the motorcycle of the co-accused namely Pappu Kumar.
4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He



further submits that from bare perusal of the F.I.R. as well as seizure list, it appears that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the vehicle in question and there is non-compliance of Section 100 of the Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 03.06.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that recovery has been made from the vehicle, which belongs to the petitioner and apart from that the petitioner has carried one criminal antecedent other than the present one but fairly submits on the basis of supplementary affidavit filed by the petitioner that the petitioner is on bail in that case.

6. Considering the aforesaid facts and circumstances, 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 Exclusive Special Excise Court No.1, East Champaran at Motihari in connection with Ghorasahan P.S. Case No.309/2023, 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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