

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59071 of 2023

Arising Out of PS. Case No.-613 Year-2023 Thana- KHAGARIA District- Khagaria

Suresh Noniya, S/O Shiv Narayan Noniya, Resident Of Village- Dannagar
Noniya Patti, P.S- Khagaria, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh, Advocate

For the Opposite Party/s : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Khagaria P.S. Case No. 613 of 2023, registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about the petitioner and other co-accused persons making a gang and supplying prohibited cough syrup and illicit liquor to the people. A raid was conducted at certain identified place and the people started fleeing away from the spot on seeing the police party. A vehicle bearing registration no.BR-34S-9535 started speeding away on seeing the police party and a black coloured plastic polythene fell down from the vehicle,



from, which 10 bottles of 100 ml. each of cough syrup containing codeine were found and seized.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No material has come up on record to connect the petitioner with the alleged recovery made from the vehicle. The petitioner has nothing to do either with the vehicle or the recovered contraband. No incriminating has been recovered from the physical or conscious possession of this petitioner. Though the petitioner has criminal antecedent of two cases, but he is on bail in both the cases.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the apparent lack of material to connect the petitioner with the contraband seized by the police, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1st,



Khagaria, in connection with Khagaria P.S. Case No.613 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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