

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64738 of 2022

Arising Out of PS. Case No.-231 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

=====

SURENDRA DAS Son of Yugeshwar Das Resident of village - Motipur, P.S.-
Tejpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anuj Kumar
For the Opposite Party/s : Mr. Surendra Prasad Singh

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-01-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Excise
(Samastipur) P.S. Case No. 231 of 2022, registered for the
offences punishable under Section 30(a) of Bihar Prohibition
and Excise Act, 2016.

As per allegation, about 485.280 litres of illicit
liquor has been recovered behind the house of Anita Devi.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
this case. He further submits that the house does not belong
to the petitioner from where the alleged recovery has been



made. He also submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that search and seizure has not been made as per the procedure prescribed under Section 100 Cr. P.C.

He further submits that the petitioner has been languishing in jail since 28.09.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in six other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Special Judge (Excise) -02, Samastipur in connection with Excise



(Samastipur) P.S. Case No. 231 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

ashishkr/-

U		T	
---	--	---	--

