

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66324 of 2023

Arising Out of PS. Case No.-274 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Suraj Kumar Sharma, Son Of Late Kanhaiya Lal Sharma Resident Of Village
- Dumaria, P.S. - Tariya Sujan, District - Kushinagar (U.P)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Kuchaikote P.S. Case No. 274 of 2023, lodged on 07.06.2023 under Sections 30(a) of Bihar Prohibition and Excise Act, 2016 (Amendment) Act, 2018.

3. As per the prosecution case, the total recovery of 35 litres of Banti Babli country made liquor is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the from the seizure list, it transpires that the said recovery has been made from one motorcycle which does not belong to the petitioner. He submits that the name of the petitioner has



figured in this criminal case under a conspiracy. He further submits that the antecedent of the petitioner is clean and he is in custody since 08.06.2023.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV-cum-Special Judge, Excise Court No. II, Gopalganj in connection with Kuchaikote P.S. Case No. 274 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) 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.

(Dr. Anshuman, J.)

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