

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73105 of 2022**

Arising Out of PS. Case No.-167 Year-2022 Thana- GURARU District- Gaya

Surendra Kumar @ Sudesh Kumar @ Sudesh Son of Deyali Mukhiya @
Devdhari Mukhiya Resident of Village- Koila Belwa, P.S.- Chakiya, District-
East Champaran (Motihari)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 10-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
17.09.2022, in connection with Excise GR No. 1570 of 2022
arising out of Guraru P.S. Case No. 167 of 2022, F.I.R. dated
16.09.2022 registered for the offences punishable under Section
30(a) of Bihar Prohibition & Excise Act.

Recovery is of 100.545 litres of English wine.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that from perusal of the F.I.R.
as well as seizure list it appears that nothing has been recovered
from the conscious possession of the petitioner rather recovery



has been made from the Swift car in question. He further submits that the petitioner is neither the driver nor the owner of the Swift car in question and co-accused Prakash Kumar and Arun Kumar, who were arrested along with the petitioner have been granted bail by this Court vide order dated 06.01.2023 passed in Cr. Misc. No. 70954 of 2022. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 17.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one in which he is on bail.

Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise, Court No. 2, Gaya in connection with Excise GR No. 1570 of 2022 arising out of Guraru P.S. Case No. 167 of 2022, 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 witness, 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 antecedents, 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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