

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74833 of 2022**

Arising Out of PS. Case No.-621 Year-2022 Thana- BODHGAYA District- Gaya

Surajdeo Kumar @ Suraydeo Kumar Son of Surendra Saw Resident of
Village- Karma Dhav, P.S.- Cherki, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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

3 17-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
28.09.2022, in connection with Bodh-Gaya (Cherki) P.S. Case
No. 621 of 2022, F.I.R. dated 28.09.2022 registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

Recovery is of 30 litres of country made wine.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case only on the basis of suspicion. He
further submits that it appears from the F.I.R. it transpires that
recovery has been made from the motorcycle in question and
the petitioner has no concern at all with the alleged recovery of



illicit liquor or the motorcycle in question and there is non compliance of Section 100 of the Cr. P.C.. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 28.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner and the petitioner having clean antecedent, 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-I, Gaya, in connection with Bodh-Gaya (Cherki) P.S. Case No. 621 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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