

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73287 of 2023

Arising Out of PS. Case No.-343 Year-2023 Thana- RAMGARH District- Kaimur (Bhabua)

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SURAJ PRASAD S/o UMESH PRASAD RESIDENT OF VILLAGE
KARWA BAKARI, P.S. - UDWANTNAGAR, DISTRICT - BHOJPUR,
ARA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy, Adv

For the Opposite Party/s : Ms.Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Ramgarh P.S. Case No. 343 of 2023, registered for the offence
punishable under section 30(a) of Bihar Prohibition and Excise
Amendment Act, 2022.

3. As per the prosecution story, the police was on
night patrolling when they intercepted the Mazic Van coming
from Uttar Pradesh, and upon search, 232.2 liquor
recovered/seized. The petitioner, being the driver, was taken into
custody. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he
had no knowledge of the material that has been loaded in their



vehicle and as it was his duty of of carrying it from one distance to another, is a poor person and his continuous incarceration in the judicial custody has put his family in starvation, the last submission is that petitioner is custody since 06.09.2023 (as stated in paragraph-7 of the bail application).

5. Learned APP for the State opposes the prayer for bail and submits that he has criminal antecedent.

6. Taking into account that the petitioner has remained in custody since 06.09.2023 and the FIR has been lodged, ultimately the petitioner will be facing the trial, this Court is inclined to extend him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise II Kaimur at Bhabua in connection with Ramgarh P.S. Case No. 343 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

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

(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.

(Rajiv Roy, J)

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