

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74940 of 2023

Arising Out of PS. Case No.-120 Year-2023 Thana- VISHAMBHARPUR District- Gopalganj

Surendra Giri Son Of Late Shivdhari Giri Resident Of Village - Jalalpur Kala,
P.S. - Sidhwaliya, District - Gopalganj, Bihar-841407

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akshay Ashish, Adv.

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Vishambharpur P.S. Case No. 120 of 2023, lodged on
14.07.2023 under Section 30(a) of the Bihar Prohibition and
Excise Amendment Act, 2022.

3. As per the prosecution case, total 35.640 litres of
illegal country made and foreign liquor has been recovered
which 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. Counsel
also submits that the said recovery has been made in gross
violation of section 100 Cr.P.C. Counsel further submits that the
petitioner is in custody since 14.07.2023 and there are three



criminal cases pending against the petitioner in which he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that antecedent of the petitioner is not clean.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned learned A.D.J.-IV-cum-Exclusive Special Excise Court-II, Gopalganj in connection with Vishambharpur P.S. Case No. 120 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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