

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74410 of 2022

Arising Out of PS. Case No.-41 Year-2017 Thana- BANIAPUR District- Saran

SURESH KUMAR @ SURESH PRASAD S/o Bhagwan Sahay R/o- 166B
Bas Mohalla, P.S.- Shahar, District- Palwal (Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai
For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-03-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 30, 30(a) and 38 of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 4369.32 liters of English wine is said to have recovered from the truck. He submits that petitioner is made accused in the present case because he is the owner of the said seized truck. He submits that there is no recovery made from the conscious possession of the petitioner. He further submits that petitioner has got no criminal antecedent



as stated in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 4,00,000.00 (Rupees Four Lakhs) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No. 1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the facts and circumstance of the case and the fact that there is nothing recovered from the conscious possession of the petitioner, let the above named petitioner, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Baniyapur P.S. Case No. 41 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions that the bailor shall state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature of the offence after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse of



bail.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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