

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77853 of 2023

Arising Out of PS. Case No.-1137 Year-2023 Thana- Excise P.S. District- Darbhanga

SURENDRA RAY @ SURENDRA RAAY son of Ram Chandra Roy Village-
Basudevpur Ps- Bahadurpur Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Excise Sadar P.S. Case No. 1137 of 2023 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act ,2018.

3. As per prosecution case, 78 litre Nepali liquor
was recovered from the Honda city car in question and
petitioner apprehended on spot.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 07.08.2023 and bears no criminal
antecedent. Learned counsel orally submits that charge sheet has
been submitted in the case and there is no likelihood of
tampering with the prosecution evidence. He further submits



that petitioner is neither owner nor driver of the alleged car in question and he has nothing to do with the alleged occurrence. Petitioner has no knowledge regarding alleged recovery and he was merely a passer-by. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. He further submits that seizure list has not been made as per law. Petitioner is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 Judge-1 (Excise Act) Darbhanga in connection with Excise Sadar P.S. Case No. 1137 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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