

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4255 of 2024

Arising Out of PS. Case No.-372 Year-2023 Thana- WARISNAGAR District- Samastipur

Surendra Singh @ Surendar Singh, S/O Late Ram Chandra Singh @ Late Ram Chandar Singh, Village- Charo, P.S. Warisnagar, Dist. Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 07-02-2024 Heard Mr. Mahendra Pratap, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

2. The petitioner is apprehending his arrest in connection with Warisnagar P.S. Case No. 372 of 2023 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act.

3. The police on a secret information that the petitioner along with other co-accused persons are engaged in trafficking of illicit liquor, conducted a raid. However, noticing the police party, two persons succeeded in fleeing away, who were, later on, identified as the petitioner and co-accused Amit Kumar by the Chowkidar Hori Lal. On search, 8.460 litres of foreign liquor was recovered.



4. It is submitted on behalf of the petitioner that the name of the petitioner has been implicated in the present case only on account of his past criminal antecedent of identical nature, as the petitioner is facing five criminal cases, though he is on bail in all the cases. He further submits that the alleged recovery has been made from a bamboo orchard, which is an open place, easily accessible to all. He next submits that surprisingly the petitioner was identified by the Chowkidar Hori Lal, but neither he is the seizure list witness nor his signature has been obtained even in the F.I.R., this makes the entire identification of the petitioner doubtful. He thus submits that, in fact, the police is chasing the petitioner and anywhere recovery is made, his name is being implicated without there being any cogent material, showing the high handedness of the police. However, he undertakes that he will fully cooperate in the investigation and in the proceedings of the Court.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is carrying five criminal antecedent over his head.

6. Regard being had to the submissions made on behalf of the parties and considering the suspicious identification of the petitioner at the hands of Chowkidar Hori



Lal, who are neither the signatory of the seizure list nor his signature has been obtained on the F.I.R. That apart, the alleged recovery has been made from an open place, which is easily accessible to all, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Exicse-II, Samastipur in connection with Warisnagar P.S. Case No. 372 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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