

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53503 of 2024

Arising Out of PS. Case No.-649 Year-2019 Thana- MADHAURAH District- Saran

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SURAJ BHAN SON OF SAHAB SINGH R/O- 843, KAKROI (192),
SONIPAT, P.S.-SONIPAT, DISTRICT- SONIPAT, HARYANA, 131001

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 06-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Marhowrah P.S. Case No. 649 of 2019 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. As per prosecution case, there is alleged
recovery of 3991.800 litre foreign liquor from the truck and
motorcycle in question.

4. Learned counsel for the petitioner submits that
petitioner is not named in F.I.R. During the course of the
investigation, the name of the petitioner has been surfaced in
this case as the owner of the said truck in question. Petitioner is
quite innocent and has committed no offence as alleged against



him in F.I.R. and he has falsely been implicated in the present case. He further submits that petitioner has sold his truck to Vishal Panwar on 16.07.2015 and, hence, petitioner has nothing to do with the alleged recovery as he is not the owner of the said truck, as mentioned in Annexure – 3 of the bail petition. Petitioner is in custody since 27.10.2023 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 co-accused Arvind Kumar Singh @ Praveen Singh has already been granted bail by this Court vide Cr. Misc. No. 156 of 2022.

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

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, keeping in view clean antecedent of 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 2nd Exclusive Special



Excise Judge, Saran at Chapra in connection with Marhowrah
P.S. Case No. 649 of 2019, 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)

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