

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50143 of 2024

Arising Out of PS. Case No.-61 Year-2024 Thana- NAYAGAON District- Saran

Suraj Kumar Singh @ Ravi, Son of Late Trivani Singh, R/O Village- Dumri
Bujurg, P.S.- Nayagaon, Distt.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Nayagaon P.S. Case No. 61 of 2024 for the offence under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about the petitioner keeping illicit liquor in a bamboo-clump near his house. A raid was conducted and a person fled away from the spot and recovery of 1.44 liters of India made foreign liquor was made from the said bamboo-clump.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Nothing incriminating has been recovered from the conscious possession of the petitioner. From the seizure list, it is apparent that recovery has been made from the bamboo-clump situated near the house of the petitioner. The petitioner has no concern either with the seized liquor or with the said bamboo-clump. The petitioner worked as a labourer at Noida and was not present at the place of occurrence on the alleged date of occurrence. The petitioner has been named in this case merely on suspicion. In these circumstances, no offence under the Excise Act is made out against the petitioner, who is having criminal antecedent of one case of dissimilar nature.

5. The learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and further considering the remoteness of allegation and possibility of false implication, let the petitioner above named in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties



of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Judge, Saran at Chapra, in connection with Nayagaon P.S. Case No. 61 of 2024, subject to the condition laid down under Section 438 (2) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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