

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73852 of 2023

Arising Out of PS. Case No.-277 Year-2023 Thana- MEHSI District- East Champaran

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Suraj Kumar, Son Of Vinod Choudhary, Resident Of Village- Patel Nagar,
P.S.- Patel Nagar, District- Karolbagh Delhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 12-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Mehasi
P.S. Case No. 277/2023 registered for the offences punishable
under Sections 272, 273, 420, 467, 468, 471 of the Indian Penal
Code and Sections 30(a) and 41(1) of the Bihar Prohibition and
Excise Act, 2016.

3. As per prosecution case, there was alleged recovery
of 5105.960 liters foreign liquor from Truck in question having
registration no. DL-1-GE-2259 and the petitioner was alleged to
be driver and he was apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is not in any way connected with the alleged



recovery and nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 25.08.2023 and bears no criminal antecedent. He further submits that the petitioner is not the owner of the alleged vehicle in question. Petitioner is merely a driver and had no knowledge regarding the alleged liquor that has been kept in the said truck. The petitioner has to follow the instruction of his owner to earn the livelihood. He further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Similarly situated co-accused persons have been granted bail by the coordinate Bench of this Court vide order dated 08.01.2024 in Cr. Misc. No. 82354 of 2023.

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

6. Considering the facts and circumstances of the case, period of custody and 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned



Additional Special Excise Court No.03, East Champaran,
Motihari in connection with Mehasi P.S. Case No. 277/2023,
subject to following conditions:-

(i) One of the bailors shall be family member of the
petitioner.

(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.

(Sunil Dutta Mishra, J)

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