

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75484 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- MUSRIGHRARI District- Samastipur

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Sujeet Kumar, Son of Rampukar Das, Resident of Village- Salempur, Ward
No. 13, Police Station- Musarigharari, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Musarigharari P.S. Case No. 117 of 2024 registered for the alleged offence under Section 30 (a) of the Bihar Prohibition Act and Excise Act.

3. As per prosecution case, during patrolling, police received secret information about three traders of illicit liquor bringing foreign liquor from Gurgaon and taking the same on a bus. The police intercepted the bus and three persons started fleeing away on seeing the police leaving behind their bags and sacks. All the three persons were apprehended and the petitioner is stated to be one of the apprehended persons. From the shoulder bags of the petitioner, 31.5 liters of foreign liquor was



recovered.

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 person/possession of the petitioner as is clear from the FIR itself that the recovery was shown from two shoulder bags and two sacks from the road side. The petitioner has no concern with the alleged recovery. The petitioner was apprehended from the main road. There is complete violation of the provisions of search and seizure. Except for suspicion, there is nothing against the petitioner. The petitioner is in custody since 14.08.2024 and is having clean antecedent.

5. Learned A.P.P. opposes the submissions made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that recovery has not been shown from the person/possession of the petitioner and further considering the period of custody of the petitioner along with his clean antecedent, the petitioner is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge,



Excise-1, Samastipur, in connection with Musarigharari P.S.
Case No. 117 of 2024, subject to the conditions mentioned in
Section 437 (3) of the Code of Criminal Procedure and also the
following conditions :

- (i) One of the bailors will be the close relative
of the petitioner.
- (ii) The petitioner will remain present on each
and every date fixed by the court below.
- (iii) In case of absence on three consecutive
dates or in violation of the terms of the bail, the
bail bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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