

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.81570 of 2023**

Arising Out of PS. Case No.-161 Year-2023 Thana- PATEPUR District- Vaishali

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SURAJ KUMAR SINGH S/O LATE RAMDEO SINGH RESIDENCE OF  
VILLAGE- HARPUR VINDI, P.S.- TAJPUR, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Vivek Kumar Sinha

For the Opposite Party/s : Mr.Nand Kumar

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      03-01-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks bail in connection with Patepur P.S. Case No. 161 of 2023 registered for the offences punishable under Sections 30(a), 32(ii) and 41(i) of the Bihar Prohibition and Excise (Amendment) Act ,2018.

3. As per prosecution case, informant got secret information that petitioner and others are engaged in unloading illicit liquor from the container vehicle in question. It is further alleged that 1559.52 litre foreign liquor was recovered from the said container vehicle and accused persons managed to flee away from the spot.

4. Learned counsel for the petitioner submits that petitioner is in custody since 07.10.2023 and bears no criminal



antecedent. He further submits that petitioner is not apprehended on spot. He further submits that petitioner is not the owner of the said container vehicle and orally submits that petitioner is also not the driver of the said container vehicle in question. Petitioner has no concern with the alleged recovered liquor. Nothing has been recovered from the conscious possession of the petitioner. He further submits petitioner is quite innocent and has falsely been implicated in the case.

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

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, petitioner is not apprehended on the spot, 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II Hajipur, Vaishali in connection with Patepur P.S. Case No. 161 of 2023, 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)**

vashudha/-

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