

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80637 of 2024

Arising Out of PS. Case No.-245 Year-2024 Thana- NEMDARGANJ District- Nawada

Suraj Kumar Son of Late Manager Prasad Resident of village- Monabanganj
(Mauna Mohanagar) P.S.- Town, Dist.- Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Adv.

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Nemdarganj P.S. Case No. 245 of 2024 dated 28.07.2024 registered for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 1760 litres of illicit spirit was recovered from the tractor. It is further alleged that from the pocket of the co-accused, Satish Mahto, Rs. 5500/- and from the pocket of the co-accused, Raju Kumar, Rs. 600/- and a mobile phone were recovered.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession



of the petitioner. The petitioner is not named in the FIR. The name of the petitioner has sprung up in the confessional statement of the co-accused, Satish Mahto. The petitioner is neither the owner nor the driver of the said seized vehicle. The petitioner has no concern with the alleged recovery. The petitioner has two criminal antecedents in which he is on bail in both the cases as stated in para 3 of the bail petition. The petitioner is in custody since 23.08.2024. The similarly situated co-accused persons have been granted bail by this Court vide order dated 18.09.2024 in Cr. Misc. No. 67266 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Nawada in connection with Nemdarganj P.S. Case No. 245 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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