

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.82934 of 2023**

Arising Out of PS. Case No.-917 Year-2023 Thana- PATNA RAIL P.S. District- Patna

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Suraj Kumar S/O Ramdhani Chauhan Resident Of Mangalchak, Ward No. 3,  
PS. N.T.P.C. Barh, Dist. Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Ms. Usha Kumari Singh, Advocate

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

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

2      09-01-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks bail in connection with Special  
Case No. 6721 of 2023 arising out Rail (Patna Junction) P.S.  
Case No. 917 of 2023 registered for the offences punishable  
under Section 30(a) of the Bihar Excise (Amendment) Act,  
2018.

3. As per the prosecution, 86.940 litres of illicit liquor  
was recovered from a train (Ananya Express) and the petitioner  
was apprehended on the spot.

4. Learned counsel for the petitioner submits that  
petitioner is in custody since 03.10.2023 and bears no criminal



antecedent. He further submits that the petitioner has nothing to do with the alleged occurrence and nothing has been recovered from the conscious possession of the petitioner. The petitioner was sitting on seat no.10 but the alleged recovery was made from seat no.9 of a running train. He further submits that the petitioner was not concerned with the seized liquor. He also submits that search and seizure has not been made as per the law.

5. The learned A.P.P. for the State 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, 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) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-1st, Patna in connection with Special Case No. 6721 of 2023 arising out Rail (Patna Junction) P.S. Case No. 917 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 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 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)**

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