

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.283 of 2024

Arising Out of PS. Case No.-313 Year-2023 Thana- AAJAM NAGAR District- Katihar

SURENDRA S/O GOBIND BHAGAT @ GOVIND BHAGAT RESIDENT
OF VILLAGE- SONELI PANI TANKI, P.S. KADWA, DISTRICT-
KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh

For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Azam
Nagar Police Station Case No. 313 of 2023 registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, 130.725 litre illicit liquor
was recovered from tempo vehicle in question and petitioner
was apprehended on spot as driver of the said tempo vehicle.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case. It is
further submitted that petitioner is not the owner of the tempo



vehicle in question and he has no knowledge about the illicit liquor kept in the said vehicle. Petitioner, being a driver, has to follow the instructions of owner to earn his livelihood. Basically no incriminating article has been recovered from conscious possession of the petitioner. Petitioner is in custody since 27.08.2023. Learned counsel orally submits that charge sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner bears no criminal antecedent.

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

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 Addl. Sessions Judge cum Exclusive Act Court No. 2 Katihar in connection with Azam Nagar Police Station Case No. 313 of 2023, subject to the 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)

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