

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1354 of 2024

Arising Out of PS. Case No.-332 Year-2019 Thana- KHAIRA District- Jamui

Suraj Modi, Son Of Kedar Modi Village -Jaljoga, P.S-. Khaira, Dist. -Jamui

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Sinha

For the Opposite Party/s : Ms.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-04-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 272 and 273 of the Indian Penal Code and Section
30(a) of the Excise Act.

3. In compliance of the order dated 20.02.2024, the
Investigating Officers of the case are present. The Sub-Inspector
Safikur Rahman submits that he has recently joined and took
charge of the investigation on 14.02.2024 and during the course
of investigation, it transpired that the motorcycle, which was
seized in the liquor case, does not belong to the petitioner.

4. The learned counsel for the petitioner, at this stage,
submits that from the beginning he was taking a plea that the



seized motorcycle does not belong to him, but the earlier Investigating Officers, namely, Kant Prasad and Ram Uchit Sharma were bent upon implicating the petitioner and were not willing to listen that the seized motorcycle does not belong to the petitioner. It is next submitted that had the case not been allotted to Sub-Inspector Safikur Rahman, perhaps the petitioner would have been behind the bars in absence of a fair investigation. The learned counsel for the petitioner next submits that the police is in habit of implicating innocent persons in cases relating to liquor, which amply demonstrates that whenever a case relating to liquor is instituted, the police for ulterior reasons try to implicate innocent persons for obvious reason.

5. At this stage, the learned Additional P. P. submits that Kant Prasad and Ram Uchit Sharma have already been subjected to departmental proceedings.

6. In view of the submissions made by the learned Additional P. P., the Court does not intend to pursue the case any further as departmental proceedings has already been initiated against the erring officials.

7. Considering the submissions made by the learned learned for the petitioner, the petitioner, above-named, in the



event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Excise Court-1st, Jamui in connection with Khaira P. S. Case No.332 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

9. The personal appearance of the Investigating Officers, namely, Safikur Rahman, Kant Prasad and Ram Uchit Sharma is dispensed with.

(Satyavrat Verma, J)

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