

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16259 of 2025

Arising Out of PS. Case No.-163 Year-2024 Thana- KUTUMBA District- Aurangabad

Suraj Pandey S/O Ram Tapasaya Panday Resident of Village- Kasimpur, P.O- Ankupa, P.S- Kutumba, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Kant Mishra, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-03-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kutumba P.S. Case No. 163 of 2024 dated 24.09.2024 instituted for the offence punishable under Sections 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The allegation is of recovery of 15 litres country made liquor from the motorcycle of the petitioner bearing Registration No. BR 26 T 2511.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that nothing has been recovered from the conscious possession of the petitioner. It is next submitted that the said motorcycle from which illicit liquor has



been recovered was taken away by the villagers namely, Himanshu Singh, Mintu Paswan and Ramadhar Saw for visiting the doctor and the petitioner in good faith has handed over his motorcycle to the said villagers. Learned counsel further submitted that father of the petitioner filed a complaint case bearing Complaint Case No. 840 of 2024 on 27.09.2024 before the learned Court of Chief Judicial Magistrate, Aurangabad against the aforesaid villagers namely, Himanshu Singh, Mintu Paswan and Ramadhar Saw, who have taken away the motorcycle of the petitioner on the plea of treatment. Lastly, it has been submitted that the petitioner is in custody since 12.01.2025, he has three criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Session Judge-cum- Exclusive Special Judge Excise Court No. 01, Aurangabad (Bihar) in Kutumba P.S. Case No. 163 of 2024, subject to the



following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

5. The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Khatim Reza, J)

Sankalp/-

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