

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8356 of 2019

Arising Out of PS. Case No.-782 Year-2018 Thana- PATRAKARNAGAR District- Patna

SUNAY KUMAR S/o Suresh Rai village-Saifpur, ward no.4, Jadua, P.S-
Ganga Bridge, District Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Dipak

For the Opposite Party/s : Mr.Surendra Kumar(App190)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-02-2019 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is languishing in judicial custody since 25.12.2018 in connection with Special Case No. 12148/18, arising out of Patrakar Nagar P.S. Case No. 782/2018 for offences punishable under Sections 30(a)(b), 38, 41 of the Bihar Excise (Amendment) Act, 2016.

The prosecution case, as lodged by the police personnel, is that during course of vehicle checking a Hyundai car was intercepted from which petitioner was apprehended along with 375 ml of foreign liquor from his possession. On search from the car 70 litres of Indian made foreign liquor was recovered. Accordingly, a seizure-list was prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that he is the driver of the vehicle and did not know that the vehicle contained illicit liquor. Petitioner undertakes not to induce witnesses or tamper with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of three months on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Patna, in connection with Special Case No. 12148/18, arising out of Patrakar Nagar P.S. Case No. 782/2018, subject to the following conditions :

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
2. If the petitioner indulges in an offence of similar



nature in future, the prosecution will be at liberty to
move the learned court below for cancellation of
his bail bonds.

(Nilu Agrawal, J)

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