

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23199 of 2020**

Arising Out of PS. Case No.-293 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Sunny Kumar Son of Ram Keshwar Sah @ Aklu Sah Resident of Mohalla -
Rajendra Marg Gola Bandh Road, P.S.- Town, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 09-09-2020 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in Town P.S. Case No. 293
of 2020, registered for the offence under Section 30(a) of Bihar
Prohibition and Excise Act, 2016.

As per F.I.R., it is alleged that 17 liters of foreign
liquor has been recovered from the motorcycle of petitioner and
petitioner was arrested on the spot. It is further alleged that at
the instance of petitioner, 15.3 liters of foreign liquor was
recovered from the house of co-accused Saurav Kumar @
Mukhiya.

It is submitted on behalf of petitioner that petitioner is
innocent and has falsely been implicated in this case due to
previous enmity. It is further submitted that nothing has been



recovered from the conscious possession of the petitioner. In this case, Section 100 Cr.P.C. has not been followed with respect to search and seizure. The petitioner is in custody since 16-05-2020, having no criminal antecedent.

Considering the aforesaid facts and circumstances, the bail application is allowed.

Let the above-named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Town P.S. Case No. 293 of 2020 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed 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) 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.”.

(Prabhat Kumar Singh, J.)

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