

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74449 of 2019

Arising Out of PS. Case No.-114 Year-2019 Thana- BANGAWON District- Saharsa

Sunil Kumar Son of Vijodhan Yadav @ Duryodhan Yadav, Resident of
Village - Balha Ward No. 6, P.S.- Bangaon, District- Saharsa.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-01-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Special (Excise) Case No. 457 of 2019 arising out of Bangaon P.S. Case No. 114 of 2019 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. The petitioner is in custody since 19.09.2019.

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



Considering the facts and circumstances of the case, wherein the 52 liters of illicit liquor is said to have been recovered from the *Bhusa Ghar* of this petitioner, though the petitioner has remained in custody for about four months, considering that he has got one criminal antecedent of similar nature, this Court directs release of the petitioner on completion of six months of custody on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each in connection with Special (Excise) Case No. 457 of 2019 arising out Bangaon P.S. Case No. 114 of 2019 to the satisfaction of learned Special Judge, Excise Act, Saharsa, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or



tamper with the evidence.

And further condition that in case the petitioner is found involved in the case of similar nature in future, the Investigating Officer shall take step for cancellation of bail of this petitioner.

(Rajeev Ranjan Prasad, J)

vats/ved

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