

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13900 of 2021

Arising Out of PS. Case No.-334 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

SUNIL KUMAR Son of Raj Kumar Resident of Jashveer Colony, Nawada,
Ward No. 02, Kila Chauki, P.S.- Sadar, District- Panipat

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Mohania P.S. Case No.
334 of 2020 corresponding to Excise Case No. 802 of 2020,
registered for the offence punishable punishable under Sections
467, 468, 471 and 420 of the Indian Penal Code and section
30(a), 36, 41(1) of the Bihar Prohibition and Excise Act, 2018.

On secret information a truck was intercepted and on
search, 7173.2 litres of foreign liquor has been recovered and
this petitioner who was driving the truck was apprehended on
the spot.



It is submitted that no recovery has been made from conscious possession of this petitioner. Petitioner was simply driving the vehicle and was not aware about the nature of consignment. Petitioner has no concern with the seized liquor. Petitioner is in custody since 21.10.2020. Investigation is complete.

Considering the fact that no recovery has been made from conscious possession of the petitioner and the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 334 of 2020 corresponding to Excise Case No. 802 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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