

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26965 of 2021**

Arising Out of PS. Case No.-59 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

SONU KUSHWAHA S/o Ranjit Kushwaha @ Ranjit Singh R/o Village-
Mahadah, P.S.- Buxar (Muffasil), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 08-12-2021 Heard learned counsel appearing on behalf of the
petitioner as well as learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Learned counsel appearing on behalf of the petitioner
submits that in paragraph-13 of the application he has
inadvertently given only one criminal antecedent of the
petitioner and to substantiate the same he has filed a
supplementary affidavit bringing on record all the criminal
antecedent against the petitioner. The said supplementary has
been filed on 07.12.2021, but the same is not on the record.
Office is directed to verify the same and keep it on record.



Petitioner who is in custody since 08.02.2021 seeks bail in connection with Buxar (Muffasil) P.S. Case No.59 of 2020 registered for offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

Prosecution case in brief, is that altogether 2192.04 liters of illicit foreign liquor was recovered from the conscious possession of the petitioner and they have previous criminal antecedent relating to his involvement in the excise case.

Learned counsel appearing on behalf of the petitioner submits that since he has been made accused in the above-mentioned cases, he has been roped in the present case, no such recovery was made from the conscious possession of the petitioner, as such he be released on bail.

Learned counsel appearing on behalf of the State submits that huge quantity of illicit foreign liquor was recovered from the conscious and physical possession of the petitioner and the local *chowkidar* had identified him, as such he do not deserves to be enlarged on bail.

Considering the period of custody of the petitioner as well as the submissions made on behalf of the parties and materials on record, it is directed that the court below after verifying the criminal antecedent of the petitioner and on being



satisfied release the petitioner on furnishing bail bond of Rs.5,00,000/-(Rupees Five Lacs) with two sureties of the like amount each to the satisfaction of learned A.D.J.,Ind -cum- Special Judge, (Excise Act), Buxar in connection with Buxar (Muffasil) P.S. Case No.59 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tamper 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.

(4) If the petitioner is found involved in similar nature of offence, after release on bail, the trial court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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