

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27078 of 2021

Arising Out of PS. Case No.-725 Year-2020 Thana- SITAMARHI District- Sitamarhi

Sudhanshu Sudhakar @ Gaurav Singh @ Mahadev, Son of Anil Kumar Singh
Resident of Mohalla - Rampur lakshmi Basbaria, Ward no.- 1, P.S.- Sitamarhi,
District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-12-2021 Heard learned counsel for the petitioner as well as
learned APP for the State through video conferencing.

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

Petitioner who is in custody since 25.12.2020 seeks
bail in connection with Sitamarhi P.S. Case No.725 of 2020
registered for offence punishable under Section 414, 420 and
120(B) of the IPC and Section 30(a), 36 and 41(I) of the Bihar
Prohibition and Excise Act, 2016.

Prosecution case in brief, is that altogether 206 liters
illicit liquor was recovered from a vehicle bearing registration
no.BR01Y9742 while the vehicle was parked in front of saw
mill of one Bishambhar Prasad.

Learned counsel appearing on behalf of the petitioner



submits that petitioner had no knowledge as to whether there are illicit liquor in vehicle which has been seized, while the petitioner was sitting in the said vehicle. Learned counsel for the petitioner further submits that he has been roped in the present case simply on the basis of the fact that he is one of the accused in Nanpur P.S. Case No.226 of 2019 for offence punishable under Section 30(a)/38 of Bihar Prohibition and Excise Act. He further submits that petitioner is in custody since 25.12.2020 and as such petitioner be released on regular bail.

Learned counsel for the State, however, opposes the prayer for grant of bail to the petitioner.

Considering the afore-mentioned facts and circumstances and submissions of the parties and nature of the offence in which petitioner is involved, learned lower court is directed to verify the criminal antecedent of the petitioner as to whether any other criminal case is pending against him as what has been stated in paragraph-3 of the application, and upon being satisfied, it is directed that petitioner, above named, be released on regular bail on furnishing bail bond of Rs.2,00,000/- (Rupees Two Lac) with two sureties of the like amount each to the satisfaction of learned A.D.J., IInd -cum- special Judge, (Excise Act), Sitamarhi in connection with Sitamarhi P.S. Case



No.725 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 petitioners.

(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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