

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28512 of 2021

Arising Out of PS. Case No.-24 Year-2021 Thana- BARACHATTI District- Gaya

SUNIL KUMAR Son of Dharmendra Prasad Resident of Village - Brindawan
P.S.- Chauparan, Distt.- Hazaribagh and State Jharkhand

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-10-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Barachatti P.S. Case No. 24 of 2021 (CIS 114/2021) registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 11.01.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the first information report, the informant who is A.S.I. of Barachatti Police Station alleged that on 10.01.2021 while he received information that liquor has been loaded on one pick-up



vehicle and entering into Bihar vide Bhalua Chatti, he reached with other police officials at Bhalua Chatti and started vehicle checking. The informant further alleged that when he stopped the pick-up van and made enquiry from the driver and one person sitting with him then they disclosed their names as Sunil Kumar (driver) and one Umesh Kumar. On search of the vehicle total 1575 liters illicit liquor were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, nothing incriminating article has been recovered from the conscious possession of the petitioner and he is in custody since 11.01.2021. It is further submitted that petitioner is the driver of the said vehicle working on remuneration and he had no knowledge about the articles kept in the vehicle.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein total 1575 liters of illicit liquor has been recovered from the vehicle, petitioner is the driver of the said vehicle, he is in custody in connection with this case since 11.01.2021, he has otherwise no criminal antecedent, investigation against him is complete but the trial is not likely to take place in near future,



this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – II – cum – Special Judge, Excise Act, Gaya in connection with Barachatti P.S. Case No. 24 of 2021 (CIS 114/2021), subject to the conditions as laid down under Section 437(3) Cr.P.C.

One of the bailors shall be the resident of the State of Bihar having sufficient means.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

