

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33258 of 2021

Arising Out of PS. Case No.-72 Year-2020 Thana- SARAIYA District- Muzaffarpur

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SUNIL KUMAR Son of Vihwanath Rai Resident of Village - Govindpur, P.S.-
Jaitpur, O.P. (Sariya), Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Aprajita, Adv.

For the Opposite Party/s : Mr. Anbzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-12-2021 Learned counsel for the petitioner is permitted to

make necessary corrections in the prayer portion of the instant

bail application with regard to PS Case No.

Heard Ms. Aprajita, learned counsel for the petitioner
and Mr. Anbzarul Haque Sahara, Additional Public Prosecutor
for the State.

Petitioner seeks regular bail in connection with
Saraiya (Jaitpur OP) PS Case No. 72/2020 registered for the
offences punishable under Sections 272, 273, 414/34 of the IPC
and Section 30(a) of Bihar Prohibition & Excise Act.

The allegation is that the police on the basis of secret
information reached near the house of one Chandan Kumar and
upon seeing the police party, the accused persons started fleeing
away, one of them was arrested who disclosed his name as Vijay



Rai and also disclosed the names of persons who succeeded in fleeing away as Sunil Kumar, i.e., petitioner with others. It is further alleged that total quantity of 691.2 litres of illicit liquors was recovered from Tata Magic which was parked in front of the house of Chandan Kumar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case merely on the basis of confessional statement of a co-accused. It has further been submitted that the petitioner is neither owner nor driver of the said vehicle from where the illicit liquor has been recovered. She further submits that the petitioner was earlier arrested in Manjhi (Chapra) PS Case No. 376/2020 and he has been dragged in other cases including the present one on the basis of confessional statement made by the arrested co-accused person.

Learned counsel for the petitioner further submits that petitioner is in custody since 06.03.2021 and charge-sheet has already been submitted in the matter.

Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that the petitioner is in custody since 06.03.2021 and charge-sheet has been submitted in the matter and no illicit liquor has been recovered from the conscious possession of the petitioner



nor the vehicle from where recovery of illicit liquor has been made, belongs to the petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, SUNIL KUMAR be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Saraiya (Jaitpur OP) PS Case No. 72/2020.

(Anil Kumar Sinha, J)

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