

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35115 of 2020

Arising Out of PS. Case No.-167 Year-2020 Thana- PATNA CITY CHOWK District- Patna

Sunil Kumar Yadav Son of Muni Lal Rai, Resident of Hiranand Sah Ghat,
P.S.-Chowk, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 08-01-2021 Heard learned counsel for the petitioner and Mr.
Mritunjay Kumar Nirala, learned counsel for the State.

In this case, the petitioner is seeking regular bail in connection with Special Case No. 3303 of 2020, arising out of Chowk P.S. Case No. 167 of 2020 registered for offence punishable under section 30 (a) of the Bihar Prohibition and Excise Act.

The police party received a secret information that the accused persons were bringing the wine at Mirchaighat Ganga river through boat and on that information, the police party reached there and found two persons were fleeing away on seeing them and they succeeded in fleeing away after crossing the river on lifting the bags in which 64.800 litres wine which was seized by the police party in presence of two independent



witnesses. During investigation, the name of the petitioner surfaced and then he has been arrested.

Learned counsel for the petitioner submits that the petitioner has not been arrested at the spot, no incriminating material has been recovered from his possession, he had no concern with the said liquor, he has falsely been implicated in the present case and he is in custody since 12.05.2020.

Looking to the facts and circumstance of the case, the petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Patna in connection with Special Case No. 3303 of 2020, arising out of Chowk P.S. Case No. 167 of 2020, subject to the condition that one of the bailors of the petitioner shall be a close relative. The petitioner will not induce any witness or tamper with the evidence. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court. If the petitioner is found involved in future in the same type of offence, the prosecution will be at liberty to make prayer for cancellation of his bail. The petitioner will report to concerned / Chowk Police Station for at least three months by the 7th of each month. In case of failure on two consecutive dates without any



valid reason, the prosecution will have liberty to make a prayer
for cancellation of his bail before the court below and the court
below will decide the matter in accordance with law.

(Shivaji Pandey, J)

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