

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9676 of 2022**

Arising Out of PS. Case No.-104 Year-2021 Thana- KURTHA District- Jehanabad

Sanny Kumar @ Sanny Yadav Son Of Late Bind Yadav @ Binod Singh R/O
Village- Chamandi, P.S.- Kurtha, District- Arwal

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath,Adv

For the Opposite Party/s : Ms.Shaheen Begum,APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 15-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

Recovery is of 135 liters of country made liquor.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case only on the basis of suspicion. He further submits that in fact the petitioner is not named in the FIR. Name of the petitioner has been transpired on the basis of confessional statement of co-



accused, namely, Shiv Shankar Kumar. He further submits that it appears from the FIR as well as seizure list that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the motorcycle in question and the petitioner has no concern with the motorcycle at all and the similarly situated co-accused person, namely, Harendra Kumar has been granted bail by a Coordinate Bench of this Hon'ble Court vide order at Annexure-2 and another co-accused, namely, Shiv Shankar Kumar has also been granted bail by a Coordinate Bench of this Hon'ble Court in Cr. Misc.No. 61986 of 2021 vide order dated 20.12.2021 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 14.12.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Excise Case No.726 of 2021 arising out of Kurtha P.S. Case No.104 of 2021,



with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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