

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11798 of 2022

Arising Out of PS. Case No.-354 Year-2021 Thana- VAISHALI District- Vaishali

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SUNIL KUMAR S/o Late Ramashish Bhagat R/o village- Sorhatha, P.S.-
Belsar O.P. Vaishali, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr.Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Vaishali P.S. Case No. 354 of 2021 registered for the offences
punishable under Sections 272, 273, 413, 414 of the Indian
Penal Code and Section 30(a), 41(1) of the Bihar Prohibition
and Excise Act.

As per prosecution case, 492.39 liter liquor was
recovered from the different vehicles in question i.e. truck, Alto
car and Bajaj Discover motorcycle and three persons were
arrested who disclosed their name as Praveen Kumar, Shashi
Kumar and Amresh Kumar. It is further alleged that there is



alleged recovery of 380.52 liters foreign liquor from the house of Mukesh Kumar. It is further stated that apprehended person Shashi Kumar disclosed the name of present petitioner including others.

Learned counsel for the petitioner submits that petitioner is in custody since 27.01.2022. Petitioner bears criminal antecedent of two cases of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner except disclosure or arrest accused person nothing has come against the petitioner. The petitioner was not apprehended on spot.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted, petitioner was not apprehended on spot and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Exclusive Special Excise Court No. 2-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 354 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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