

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18550 of 2022

Arising Out of PS. Case No.-199 Year-2021 Thana- BHAGWANPUR District- Vaishali

SUNIL KUMAR Son of Latge Ramashsh Bhagat Resident of Village -
Sorhatha , P.s.- Belsar O.P. Vaishali, Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect(s), as pointed out by the office, be removed
within a period of four weeks from the date of resumption of physical
filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection
with Bhagwanpur P.S. Case No. 199 of 2021 registered for the
alleged offences under Sections 467, 468, 471, 120B, 272 and 273 of
the Indian Penal Code and Section 30(a), 36 and 41(i) of the Bihar
Prohibition and Excise Act, 2018.

Allegedly the petitioner is stated to be a member of a
liquor syndicate which is involved in large scale purchase and sale of
illicit liquor. On secret information received by the police, a truck
and Bolero pick-up-van were intercepted. Total 1572 liters and 983
liters of illicit liquor were recovered from respective vehicles and



suspicion has been raised about petitioner and other co-accused persons being involved in bringing this consignment of liquor for further supply to other persons involved in this trade.

Learned counsel for the petitioner submits that the petitioner is innocent and has not been arrested from the spot and nothing incriminating has been recovered from his possession. The petitioner was not present at the place of occurrence and he has no concern with the seized liquor or seized vehicle, from which, recovery is stated to have taken place. The petitioner has got no knowledge about the presence of liquor at the said place. Learned counsel further submits that charge sheet has been submitted in this case and petitioner is in custody since 10.09.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that it is a case of recovery of very large quantity of liquor and the petitioner is part of a liquor syndicate.

Having regard to the submission made hereinabove and considering the fact that the petitioner has not been arrested from the spot and no recovery has been made from the petitioner and further considering the fact that the charge sheet has been submitted and the petitioner is in custody since 10.09.2021, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1-cum-Additional District & Sessions Judge, Vaishali at Hajipur in



connection with Bhagwanpur P.S. Case No. 199 of 2021, subject to the other conditions as laid down under Section 437(3) of the Cr.P.C.

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) The petitioner will not indulge in similar type of offences in future.
- (v) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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