

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23133 of 2022**

Arising Out of PS. Case No.-660 Year-2019 Thana- LAKHISARAI District- Lakhisarai

SUNIL KUMAR @ SUNIL SAO SON OF LATE GANGA PRASAD SAH
R/O- WARD NO.-14, PURANI BAZAR, LAKHISARAI, NEAR YOGA
HOTEL, P.S.- LAKHISARAI, DISTRICT- LAKHISARAI

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 09-11-2022 Heard learned counsel for the petitioner and Mr.
Nityanand, learned APP for the State.

Petitioner in this case is seeking his release on bail in Lakhisarai P.S. Case no. 660/2019 registered under Sections 30(a), 30(b), 30(c) of Bihar Prohibition and Excise Act, 2016. Petitioner is in judicial custody since 28.03.2022. Petitioner has one criminal antecedent.

Earlier the petitioner was granted bail by this Court vide order dated 07.10.2020 passed in Cr. Misc. No. 23142/2020. While granting bail, this Court imposed a condition that the petitioner will present himself in course of trial on each and every date fixed in the matter and two consecutive failure in appearing in course of trial without there being an order of the learned trial court granting him exemption from appearance, his bail bond in the present case shall be



liable to be cancelled and the court below shall do the same.

Since the petitioner defaulted in abiding by the aforesaid condition, learned court below has cancelled his bail bond and taken him into custody vide order dated 28.03.2022.

Learned counsel for the petitioner submits that the petitioner has already remained in jail for over seven and half months after having been taken into custody. It is his submission that the petitioner was doing pairvi of the case regularly from 07.10.2020 to 16.10.2020 but because of the illness of his grandfather on 16.02.2022 he could not come to the Court to do pairvi. His counsel also had some urgent work, so he did not come on 16.02.2022 and as a result thereof pairvi could not be done on the said date. On the next date i.e. 11.03.2022 the ailing grandfather of the petitioner died and because of that the petitioner could not make pairvi.

Learned counsel for the State has opposed this application.

Having regard to the submissions noted hereinabove, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- IV -cum- Special Judge (Excise), Lakhisarai in connection with Lakhisarai P.S. Case No.660 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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.

And further condition that the petitioner will present himself in course of trial on each and every date fixed in the matter and two consecutive failure in appearing in course of trial without there being an order of the learned trial court granting him exemption from appearance, his bail bond in the present case shall be liable to be cancelled and the court below shall do the same.

(Rajeev Ranjan Prasad, J)

Tusharika/-
arvind/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

