

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23543 of 2022

Arising Out of PS. Case No.-177 Year-2022 Thana- GAURICHAK District- Patna

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SUNNY KUMAR S/O RAM EQUBAL GOPE Resident of Locality- Bari
Pahari, P.S.- Agamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravish Mishra

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Gaurichak P.S. Case No. 177 of 2022 registered for the alleged offences under Sections 30(a)(b)(c) (d)/32(1)(2) (3)/33/34(b)IV/36/42(1)(2)/47/56 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, from the godown of this petitioner, total 235 liters of spirit, 53.25 liters of India made foreign liquor, gallons, empty bottles, caps and pipes were recovered and this petitioner was arrested. The police named co-



accused persons who have been involved in the trade of illicit liquor and have kept the seized articles in the said godown.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and nothing has been recovered from his conscious possession. The petitioner has been implicated in this case only on ground that the building of his father has been given on rent to be used as godown and that the rent agreement also shows it was the tenant who was to be responsible for any illegal activities. The petitioner has no idea about the work being done by the co-accused persons using his godown and he has no association with other co-accused persons. The FIR also shows that the petitioner cooperated with the police and when the godown was being searched he made himself available. In the given facts and circumstances, no offence is made out against the petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 21.03.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the recovery has been made from the godown of this petitioner.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that the petitioner is said to have let out his godown to the accused persons and false implication is a



possibility, further considering the submission of charge sheet along with period of custody of the petitioner, 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 Special Judge, Excise, Patna City, Patna in connection with Gaurichak P.S. Case No. 177 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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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