

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24903 of 2022**

Arising Out of PS. Case No.-825 Year-2020 Thana- NAGAR District- Vaishali

Sunny Kumar, Son of Ajay Mahto @ Ajay Kumar Mahto, Resident of  
Village- Dakbunbglow Road Anwarpur, P.S.- Hajipur Town, Distt.- Vaishali.  
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      27-07-2022                      Learned counsel for the petitioner is permitted to  
remove the defect(s), as pointed out by the office, within a  
period of four weeks from today.

Heard Mr. Ravish Mishra, learned counsel appearing  
on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in  
connection with Hajipur (Town) P.S. Case No. 825 of 2020  
registered for the offences punishable under Sections  
30(a)/30(c)/38 of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that on a  
secret information that a huge consignment of foreign liquor has  
been kept in a shop bearing shop no. 21/A and 23/A by Raju  
Rai, Manoj Chaudhary, Vishal Kumar and Sunny Kumar  
(petitioner). It is further alleged that in presence of competent  
authorities, search was made and upon search of the aforesaid



shops total 435.39 litres of foreign liquor was recovered.

It is submitted on behalf of learned counsel for the petitioner that shop no. 21/A and 23/A respectively are standing in the name of Gyatri Devi and Dinesh Singh and this petitioner has neither concern with the shop, in question, nor with the alleged illicit recovered foreign liquor. It is further submitted that the petitioner is said to be a member of the syndicate, who found involved in the trade of illegal liquor, except the aforesaid allegation, there is no such material, which suggests the complicity of this petitioner in the present crime. It is next submitted that even during the course of investigation, no incriminating material has been recovered from the person or possession of this petitioner and moreover he is in custody since 09.03.2022, apart from the fact that one of the co-accused, having identical allegation, namely, Vishal Kumar, has already been granted bail by this Court in Cr. Misc. No. 51578 of 2021 vide order dated 18.04.2022.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions of the parties and taking into consideration this fact that neither the shops belong to the petitioner nor any incriminating material has been recovered from the person or possession of the petitioner and



moreover the co-accused person, having identical allegation, has been granted bail by this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-1-cum- Additional Sessions Judge, Vaishali at Hajipur in connection with Hajipur (Town) P.S. Case No. 825 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

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