

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25345 of 2022

Arising Out of PS. Case No.-91 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Sunny Kumar @ Chikku Kumar, Son of Devendra Kumar Rai, R/o Village-
Didarganj (Near Police Post), P.S.- Didarganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2022 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. Dhaneshwar Prasad Gupta, 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 Didarganj P.R. Case No. (1) 91 of 2022, giving
rise to Special Case No. 1588 of 2022, registered for the
offences punishable under Sections 30(a), 32(2), 42(1) and
61(2) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police on
a secret information intercepted one Magic Van and on search
being made 400 litres of illicit country made liquor was seized.
It is further alleged that the Magic Van was being driven by this



petitioner.

It is submitted by the learned counsel appearing on behalf of the petitioner that the alleged apprehended Magic van does not belong to the petitioner and he being the driver of the vehicle, runs the same on rent/fair and on the alleged fateful day some persons were carrying the consignment over the said vehicle, but noticing the police party they fled away from the place of occurrence. It is next submitted that the petitioner has neither any concern with the van nor with the alleged recovered illicit liquor. It is lastly submitted that the petitioner is in custody since 17.03.2022 having no criminal antecedent and moreover the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the recovery has been made from the van of which the petitioner was the driver.

Having considered the submissions made on behalf of the parties and considering the fact that the petitioner is neither the owner of the vehicle nor he has any concern with the alleged recovered liquor and save and except he being the driver, there is no other material against him and he is in custody since 17.03.2022, moreover the investigation of the crime is already



completed and charge-sheet has been submitted, 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 Special Judge, Excise Act, Patna in connection with Didarganj P.R. Case No. (1) 91 of 2022, giving rise to Special Case No. 1588 of 2022, 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.

(Harish Kumar, J)

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