

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26261 of 2022

Arising Out of PS. Case No.-107 Year-2021 Thana- NAANPUR District- Sitamarhi

Sunil Patel @ Sunil Kumar Patel Son Of Late Satyanarayan Mahto R/O
Village- Chhoti Sauriya, P.S.- Nanpur, District- Sitmarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Saurabh Jha, Advocate

For the Opposite Party/s : Mr.Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-08-2022

Heard Mr. Saurabh Jha, learned counsel for the petitioner and Mr. Ramchandra Singh, learned APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the office, be removed within four weeks.

The petitioner is in custody in connection with Nanpur P.S. Case No. 107/2021 under Sections 30, 30 (a) 38(i) (ii) of the Bihar Excise Prohibition Act.

The prosecution story in brief is that the informant, S.I. Ram Pravesh Urao received secret information that some wine smuggler have procured big consignment of foreign liquor in a truck in village Bari Sauriya and were doing local supply. The police party reached there and saw five to six persons fleeing away and finally they managed to succeed. The



informant in presence of witnesses searched the orchard of Bijali Sah and recovered 892.800 liters of foreign liquor and accordingly, seizure report was prepared and FIR was instituted.

Learned counsel for the petitioner submits that the alleged recovery/seizure of 892.800 liters of foreign liquors has been made from the orchard of co-accused Bijali Shah and not from the conscious possession or house of the petitioner. He further submits that similarly situated co-accused namely Pawan Das and Ajay Mandal have since been released on bail while Cr. Misc. No. 42486/2021 and 17125/2022 respectively by the co-ordinate benches of this Court. He lastly submits that he is in custody since 08.04.2022 (as stated in para 15 of the bail application).

Considering the aforesaid fact that recovery/seizure has been shown to be from the orchard of Bijali Shah, charge-sheet stands submitted and he is in custody since 08.04.2022 as also that some co-accuseds have since been granted bail by coordinate benches, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive



Special Excise Court No. 2 Sitamarhi, in connection with Nanpur P.S. Case No. 107/2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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