

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28047 of 2022

Arising Out of PS. Case No.-13 Year-2019 Thana- RAGHOPUR District- Supaul

Sunil Kumar, Son of Raj Kishore Swarnakar @ Raj Kishor Sah, Resident of
Village - Devi Patti, P.S.- Pipra, Distt.- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishan Jha, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-08-2022 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 S.T. Excise No. 39 of 2019, arising out of Raghapur P.S. Case No. 13 of 2019, registered for the alleged offences under Sections 279, 337, 338, 304 (A) of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, a Sumo Victa vehicle met with an accident and its driver got injured. From search of this vehicle, 885 litres of Nepali country made liquor was



recovered. Subsequently, the driver died and the name of the petitioner came up as the owner of the vehicle which met with an accident.

The learned counsel appearing on behalf of the petitioner submits that the petitioner has nothing to do with the vehicle from which recovery of illicit liquor has been made. The vehicle is registered in the name of Bhupendra Yadav and this petitioner has been working under him and he named this petitioner to whom he had sold the vehicle, but the vehicle was sold to one Sunil Kumar Yadav and not to this petitioner as father of the deceased also took name of Sunil Kumar Yadav who used to sell wine after bringing it from Nepal. The co-accused Sunil Kumar Yadav has already been granted bail by the learned court below. This petitioner was not arrested from the spot and nothing has been recovered from his conscious possession and he has nothing to do with the vehicle or the recovery of liquor made from it. The charge sheet has been submitted in this case and the petitioner is in custody since 25.01.2022 and is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the nature of dispute with regard to



ownership and further considering the submission of charge sheet and the period of custody of the petitioner, who has got clean antecedent, he 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 Court No.2, Supaul, in connection with Raghopur P.S. Case No. 13 of 2019, 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 Raj Kishore Sah, the father of the petitioner, who has sworn the affidavit in this case.
- (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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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