

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28528 of 2022

Arising Out of PS. Case No.-48 Year-2020 Thana- MANJHI District- Saran

Sunil Gupta @ Sunil Sah, S/o Bindeshwar Sah, Resident of Village -
Karjadih, P.S. - Karja, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within 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 Manjhi P.S. Case No. 48 of 2020 registered for
the alleged offences under Sections 30, 30(a), 38(i) (ii), 36 and
41 of the Bihar Prohibition and Excise Act.

The prosecution case is that about 1800 liters of India
made foreign liquor was recovered from a truck and co-accused
and cleaner were arrested from the spot. The name of the
petitioner came up during investigation in the confessional
statement of the co-accused Pramod Rai for being involved in



the trade of liquor.

The learned counsel for the petitioner submits that the petitioner is innocent and he has been named in this case merely on suspicion and his identity has not been established properly and he has been made accused merely on the basis of confessional statement of co-accused Pramod Rai, who has already been granted bail by a Coordinate Bench of this Court vide order dated 21.12.2021 passed in Cr. Misc. No.36025 of 2021. The other accused persons have also been granted bail in Cr. Misc. Nos.27986 of 2020 and 28383 of 2022. Learned counsel further submits that the petitioner has not been arrested from the spot and nothing incriminating has been recovered from his possession. The truck or the contraband does not belong to him. The petitioner has been made an accused in another case as well. The petitioner is in custody since 22.04.2022.

Learned A.P.P. for the State opposes the prayer of bail submitting that huge quantity of liquor has been seized and the investigation shows the active involvement of the petitioner.

Having considered the aforesaid submissions and further considering the fact that the petitioner has not been apprehended from spot and nothing incriminating has been



recovered from his possession and further considering his period of custody, petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 2, Saran at Chapra in connection with Manjhi P.S. Case No. 48 of 2020, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for 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)

V.K.Pandey/-

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