

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29712 of 2022**

Arising Out of PS. Case No.-21 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Banka

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Sunil Yadav, Son of Nandilal Yadav, R/O- Viill- Nandlali ,P.S.- Bihra, Dist.-  
Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bhola Prasad, Advocate

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

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**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 Banka Excise Complaint Case No. 21 of 2022 registered for the alleged offences under Sections 30(a) and 32(2) (3) of the Bihar Prohibition and Excise Act.

As per prosecution case, during checking of vehicles, on suspicion a pickup vehicle was ordered to be stopped and altogether 145.62 litres of India made foreign liquor was recovered. The petitioner and co-accused were sitting in the



vehicle and they were apprehended.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing has been recovered from the possession of the petitioner. The petitioner is merely a co-driver and has nothing to do with the co-accused or the allegedly seized liquor. Charge-sheet has been submitted in this case and the petitioner is in custody since 19.02.2022. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the clean antecedent of the petitioner and further considering the submission of charge-sheet as well as the period of his custody, the petitioner above named 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 Additional District and Sessions Judge-V, Banka, in connection with Banka Excise Complaint Case No. 21 of 2022, 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 a close relative of the



petitioner.

(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.

**(Arun Kumar Jha, J)**

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