

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30845 of 2022

Arising Out of PS. Case No.-203 Year-2021 Thana- BHAGWANPUR District- Begusarai

Sudhanshu Kumar, Son Of Dinesh Chourasia @ Dinesh Chaurasiya, R/O
Village- Akha, P.S.- Bhagwanpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 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 Bhagwanpur P.S. Case No. 203 of 2021
registered for the alleged offences under Sections 414, 120 (B)
of the Indian Penal Code and Section 30 (a) of the Bihar
Prohibition and Excise Act.

As per the prosecution case, the police received secret
information about unloading taking place from a truck of illicit
liquor. When the police reached at the identified place, some
persons standing near the truck fled away from the spot and the



informant stated that he came to know the names of the person who escaped from the spot as Sudhanshu Kumar and Himanshu Kumar. On search of the truck, total 1197 litres of Indian made foreign liquor was recovered.

The learned counsel for the petitioner submits that the petitioner has not been arrested from the spot and nothing incriminating has been recovered from his person or possession. The petitioner has no concern either with the seized truck or the recovery made from the said truck. The petitioner is in custody since 23.04.2022 and the charge sheet has been submitted in this case.

Learned A.P.P. opposes the prayer for bail of the petitioner submitting that the huge quantity of liquor was recovered and the petitioner was seen fleeing away from the spot. The petitioner is a habitual offender and is accused in three such cases.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has not been arrested from the spot and nothing incriminating has been recovered from his person or possession and further considering the submission of charge sheet and the period of custody of the petitioner, 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 Exclusive Excise Judge-1, Begusarai, in connection with Bhagwanpur P.S. Case No. 203 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also 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 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/-

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(Arun Kumar Jha, J)

