

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36571 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- ROH District- Nawada

Sunny Kumar @ Sunny Choudhary Son Of Chhotu Choudhary R/O Village
And P.S.- Roh, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Roh P.S.Case No. 68 of 2022 for the
offences punishable under Sections 30(a) of the Bihar
Prohibition & Excise Act 2018.

It is alleged that 49.500 liters country made liquor
has been recovered from a cabin of boring machine of the
petitioner.

It is submitted by the learned counsel for the
petitioner that cabin of boring machine belongs to one



Munna Choudhary, who is brother of the petitioner and he is living separately since long and has no concern with the said cabin. He further submits that the petitioner having fair antecedent and his name has been implicated only on suspicion. He next submits that the petitioner was neither apprehended on the spot nor the recovery has been made from his conscious possession. He also submits that there is no independent witness to the seizure list and the same has not been prepared in compliance of section 100 of the Cr.P.C.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that the alleged recovery has been made from the cabin of boring machine which belongs to a joint family and moreover, petitioner having fair antecedent is in custody since 19.05.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Judge-II, Nawada



in connection with Roh P.S.Case No. 68 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

N.K/-

U		T	
---	--	---	--

