

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48268 of 2021**

Arising Out of PS. Case No.-237 Year-2020 Thana- DHANAHA District- West Champaran

SUSHIL KUSHWAHA @ SUSHIL KUMAR S/o Suresh Kushwaha Resident
of Kathar, P.S.- Dhanha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 13-01-2022 The matter has been listed today for consideration
through virtual mode.

Heard learned counsel appearing on behalf of the
petitioner as well as learned Additional Public Prosecutor
appearing for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 08.07.2021 seeks
bail in connection with Dhanha P.S. Case No. 237 of 2020
registered for the offences punishable under Section 30(a) of the
Bihar Excise Act.

As per the prosecution story in course of vehicle
checking on 29.09.2020 near Chandel Petrol Pump the police
team found one Bolero pickup fleeing away from the place of
checking. The said vehicle was caught after chase and two



persons who were seen of the said vehicle succeeded in fleeing away, one person was arrested, who later on disclosed the name of the petitioner. Upon search total 600 liters illicit liquor kept in green colour drum was recovered from the said pickup.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The name of the petitioner has transpired in the confessional statement of the co-accused and he was not arrested on the spot. He further submits that another co-accused has already been released on bail by this Court vide order dated 30.07.2021 passed in Cr. Misc. No.20998/2021.

Learned APP for the State vehemently opposes the prayer for grant of bail to the petitioner.

Considering the afore-mentioned facts and circumstances and of the case and in view of the statement made in paragraph no.3 of the bail petition, it is directed that the court below shall verify the criminal antecedent of the petitioner and if no other criminal case or excise case is pending against the petitioner as what has been stated in paragraph no.3 of the present bail application, the petitioner, above named, be released on bail on furnishing bail bond of Rs.1,00,000/-(Rupees One Lac Only) with two sureties of the like amount each to the



satisfaction of learned Special Judge, Excise, Bettiah, West Champaran in connection with Dhanha P.S. Case No. 237 of 2020 ,subject to the following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioner is found involved in similar nature of offence, after release on bail, the trial court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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