

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43372 of 2022

Arising Out of PS. Case No.-338 Year-2022 Thana- AGAMKUAN District- Patna

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Sunny Kumar Gupta S/O Jitendra Prasad @ Jitendra Resident of Power House Chowk, Chutiya, P.S.- Chutiya, District- Ranchi (Jharkhand), Permanent address resident of Mirjapur, P.S.- Rajghat, District- Gorakhpur (U.P).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate.
For the Opposite Party/s : Mr. Pranav Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Chandra Shekhar Anand, learned counsel for the petitioner and learned APP for the State, through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Agamkuan P.S. Case No. 338 of 2022, registered for the offences punishable under Sections 30(a), 32(2), 38(1)(2) and 41(2) of the Bihar Prohibition and Excise Act, 2016.

In course of patrolling duty, the police on a secret



information, raided the house of co-accused Prince Kumar and in course of search from his house and WagonR car total 175.875 liters illicit foreign liquor was recovered. It is alleged that four persons were standing in the house of the petitioner, on noticing the police party trying to flee away, however, two of them including the petitioner were apprehended.

It is submitted by the learned counsel appearing on behalf of the petitioner that from the FIR, it would be evident the the entire recovery has been made from the house and car of the co-accused Prince Kumar and so far as the petitioner is concerned, from his possession only a mobile phone has been recovered, which belongs to the petitioner. He further submitted that the petitioner having fair antecedent, is in custody since 09.05.2022 and neither he has any concern with the house and car of the co-accused persons nor the illicit recovered wine. He also submitted that the investigation of the crime is already complete and the charge-sheet has been submitted and to keep the petitioner behind the bar would serve no further purpose.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery



has been made from the house and car of the co-accused person and the petitioner having fair antecedent, is in custody since 09.05.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City, in connection with Agamkuan P.S. Case No. 338 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)

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