

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45302 of 2022

Arising Out of PS. Case No.-111 Year-2017 Thana- AHIYAPUR District- Muzaffarpur

Sanu Kumar Son of Shatrudhan Mishra Resident of village - Dhanaur, P.s.
Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-10-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Ravi Ranjan, learned counsel for the
petitioner as well as learned Additional Public Prosecutor
for the State through video conferencing.

Petitioner seeks bail in a case registered in
connection with Ahiyapur P.S. Case No. 111 of 2017 for
the offences punishable under Sections 272, 273 of the
Indian Penal Code and section 30(a), of the Bihar
Prohibition & Excise Amendment Act.

The police in course of patrolling, on a secret
information, intercepted a truck bearing registration no.
HR69A 5236 and on search total 3084.120 liters Indian



made foreign liquor was recovered. It is further alleged that three persons were seated on the truck were apprehended by the police.

Learned counsel for the petitioner submits that the petitioner is neither named in the FIR nor any incriminating material has been recovered from his person or possession. He further submits that in course of investigation call details of other co-accused persons were found consistently in touch with the petitioner and as such, the name of petitioner has been implicated in this case. He further submits that accusation against the petitioner is on account of past criminal antecedent, as the petitioner has also found involved in seven similar kind of cases though the petitioner is on bail in all the cases. He next submits that other co-accused persons, who were apprehended at the spot have already been granted bail by the co-ordinate Bench of this Court. The copy of which has been brought on record by way of Annexure- 2 series. It is lastly submits that the petitioner is in custody since 12.04.2022 and now after completion of investigation, charge sheet has been submitted.



On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has multiple criminal antecedent.

Regard being had to the submissions made on behalf of the parties and considering the material available on the record as also the fact that the name of the petitioner has transpired only on the basis of call details of other persons, who were apprehended at the spot and they have already been granted bail by different learned co-ordinate Benches of this Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-I, Muzaffarpur in connection with Ahiyapur P.S. Case No. 111 of 2017 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.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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