

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45622 of 2022

Arising Out of PS. Case No.-1 Year-2019 Thana- SAKRI District- Madhubani

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Sujeet Kumar @ Sujit Kumar S/O Kedar Rai @ Kedar Prasad Yadav Resident
of village- Shivrahan Basudev, P.S.- Ahiyapur, District- Muzaffarpur.

... .. 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. Anant Kumar 1, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of 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 Sakri P.S. Case No. 01 of 2019 corresponding to G.R. No. 12 of 2019 registered for the alleged offences under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, recovery of total 410.075 litres of India made foreign liquor was made from a pick-up vehicle and driver of the said vehicle ran away on seeing the police party.



The learned counsel for the petitioner submits that petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has been named in this case by the owner of the vehicle due to previous enmity. The petitioner was never the driver of the said vehicle. The petitioner is in custody since 18.05.2022 and charge-sheet has been submitted. Co-accused Shambhu Prasad has been granted bail vide order dated 30.08.2022 passed in Cr. Misc. No.41867 of 2022.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent of similar nature.

Having regard to the submissions made hereinabove and considering the fact that petitioner was not apprehended from the spot and no recovery has been shown from him and further considering his period of custody and the submission of charge-sheet, the petitioner above named 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 2nd Additional Sessions judge-cum-Special Judge (Excise Act) Madhubani in connection with Sakri P.S. Case No. 01 of 2019 corresponding to G.R. No. 12 of 2019,



subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other 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 Vijay Kumar Yadav, father of the petitioner, who has sworn the affidavit.

(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.

(Arun Kumar Jha, J)

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