

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47084 of 2022

Arising Out of PS. Case No.-427 Year-2019 Thana- BRAHMPURA District- Muzaffarpur

Sunil Sah @ Sunil Gupta Son Of Bindeshwar Sah Resident Of Village -
Karjadih, P.S.- Karja, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Mukesh Kumar Jha, 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 Brahmpura P.S. Case No. 427 of 2019 for the offences punishable under Sections 272, 273, 290 of the Indian Penal Code and section 30(a), (d) (e) (F), 41 of the Bihar Prohibition & Excise Amendment Act.

The police on a secret information that a truck bearing registration no. NL-01G-0435 loaded with liquor standing near Chandni Chowk, conducted raid and



apprehended two persons. On search total 2420.160 liters Indian made foreign liquor was recovered. The apprehended co-accused persons disclosed the name of the consignor and consignee of the illicit liquor.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the FIR however, his name has been surfaced on the confessional statement of co-accused Pramod Roi and thereafter, he was remanded in the present case from Bramampura Manjhi P.S.Case No. 48 of 2020. He next submits that the driver and kahalasi of the turck in question, who were apprehended at the spot, have already been allowed privilege of bail in Cr. Misc. No.26282 of 2020 vide order dated 19.10.2020. He next submits that other co-accused persons having identical allegation have already been allowed privilege of bail by different Benches of this Court. Further submits that admittedly, nothing has been recovered from conscious or constructive possession of the petitioner and moreover, he is in custody since 16.07.2022.

On the other hand, learned counsel for the state opposed the bail application and submits that petitioner is found



involved in one case of identical nature.

Regard being had to the submission made on behalf of the parties and considering the fact that petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession, apart from the fact that the petitioner is not named in the FIR and save and except the confessional statement there is no other material and now the investigation of the crime is already complete and the charge sheet has been submitted, 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 Special Judge, Excise-I Muzaffarpur in connection with Brahampura P. S. Case No. 427 of 2019 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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