

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46962 of 2022**

Arising Out of PS. Case No.-159 Year-2021 Thana- RAGHOPUR District- Supaul

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Sunil Kumar Gohitman @ Sunil Kumar, S/o Kavinandan Gohitman, R/o  
village- Daulatpur Ward No. 07, P.S.- Rghopur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Arvind Kumar, Advocate  
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      21-10-2022              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. Arvind Kumar, learned counsel for the  
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in  
connection with Raghapur P.S. Case No. 159 of 2021 registered  
for the offences punishable under Sections 30(a), 38(i), 41(i) of  
the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation against the petitioner is to be engaged  
in trafficking of illicit wine, the police conducted a raid in  
Kushwaha Rice Mill. On noticing the police party, 7-8 persons,



who were unloading the liquor from the truck tried to flee away from the premises, however, two of them were apprehended and others succeeded in fleeing away. On search total 1852.500 litres of Indian made foreign liquor of different company was recovered. The apprehended persons disclosed the name of the petitioner and others.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and save and except the disclosure of the name of the petitioner by the apprehended persons, there is no material suggesting the involvement of the petitioner in the present crime. He next submits that the petitioner has neither any concern with the rice mill, in question, nor with the alleged illicit wine. He further submits that other co-accused persons, having identical allegations, have already been granted bail by this Court. He lastly submits that the petitioner, having fair antecedent, is in custody since 29.04.2022, though the investigation of the crime is complete and charge-sheet has been submitted.

On the other hand learned APP for the State 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 a rice mill and the 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, having fair antecedent, is in custody since 29.04.2022 and the other co-accused persons, having identical allegations, have already been granted bail by this Court, 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 Court No.2, Supaul in connection with Raghopur P.S. Case No. 159 of 2021, 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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