

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49478 of 2022

Arising Out of PS. Case No.-4 Year-2022 Thana- BUXAR RAIL P.S. District- Bhojpur

SUNNY KUMAR Son of Mahesh Choudhary @ Mahesh Prasad Resident of Village - Yarpur, Pul Ke Niche, Police Station - Sachiwalaya, District – Patna. (wrongly mentioned as Bhojpur in the Impugned order).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-09-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with Buxar Rail P.S. Case No. 04/2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of total 36.560 liters english wine from the bags of the petitioner. The petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this



case. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 06.01.2022 and bears no criminal antecedent. He further submits that the petitioner has neither concerned with the alleged recovered wine nor concerned with the business of illegal liquor. Seizure list has not been prepared as per law.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of the both sides and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named 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 Exclusive Special Excise Court No.-1st, Bhojpur, Ara in connection with Buxar Rail P.S. Case No. 04/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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