

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62991 of 2021**

Arising Out of PS. Case No.-536 Year-2019 Thana- MINAPUR District- Muzaffarpur

Sunil Patel, S/o- Gaurishankar Patel R/o Village- Chakkidhab, P.S.- Minapur,
District- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Sumit Shekhar Pandey, Advocate
For the Opposite Party/s	:	Mr. Akbar Ali, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

5 29-07-2022 Heard learned senior 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 Minapur P.S. Case No. 536 of 2019 registered for the alleged offences under Sections 30 (a), 38 (i) and 41 (i) of the Bihar Prohibition and Excise Act, 2016.

Allegedly, 86.400 liters of India made foreign liquor was recovered from the house of the petitioner, who is said to have escaped and was not arrested from the spot.

Mr. N.K. Agrawal, learned Senior counsel appearing on



behalf of the petitioner submits that nothing has been recovered from the conscious possession of the petitioner. Though the recovery is stated to be made from the house of the petitioner, but copy of seizure list was not served on his family members. The charge sheet has been submitted in this case and the petitioner is in custody since 02.09.2021.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the submissions made hereinabove and considering the fact that the charge sheet has been submitted in this case and the petitioner is in custody since 02.09.2021, 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 Special Judge, Excise Act, Muzaffarpur, in connection with Minapur P.S. Case No. 536 of 2019 subject to 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 a close relative of the petitioner.



(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) The petitioner will not commit similar type of offences in future.

(v) 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)

V.K.Pandey/-

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