

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64643 of 2021

Arising Out of PS. Case No.-214 Year-2021 Thana- SARAI District- Vaishali

Sunil Kumar Singh @ Basera, Son of Late Shyamjee Singh, Resident of
Village-Askaranpur Boariya, P.S.- Sarai, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh, Advocate
For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-04-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Sarai
P.S. Case No.214 of 2021 registered for the offence punishable
under Sections 272, 273 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

4132.44 litres illicit liquor has been recovered from a
truck and one Bullet motorcycle was also parked near the truck.
The police had gone there on being intimated that the instant
petitioner has brought the consignment of illicit liquor for
indulging in its trade.

The petitioner's counsel submits that earlier the
petitioner was made accused in Sarai P.S. Case No.149 of 2018
under the Bihar Prohibition and Excise Act and therefore he has



again been implicated in this case though, even as per prosecution case, there is no recovery from his possession nor he was arrested at the place and time of recovery. The submission is that he has no concern with the allegedly recovered liquor.

Learned APP has submitted that 17.280 litres, out of the total recovered amount of liquor, was recovered from a bullet motorcycle which was found parked there and which is registered in the name of the petitioner.

The Court has considered the rival submissions and having regard to the period of custody since 02.08.2021, the fact that even the FIR does not allege any recovery from the petitioner, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur, in connection with Sarai P.S. Case No.214 of 2021, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how



he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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