

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11918 of 2023

Arising Out of PS. Case No.-725 Year-2020 Thana- SITAMARHI District- Sitamarhi

Sudhanshu Sudhakar @ Gaurav Singh @ Mahadev Son of Sri Anil Kumar Singh R/o Muhall Rampur Laxmi, Baswaria, Ward No. 1, Sitamarhi, P.S. And Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaidehi Raman Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Ajit Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

5 28-06-2023 Heard Mr. Vaidehi Raman Prasad Singh, learned counsel appearing on behalf of the petitioner and Mr. Ajit Kumar, learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Sitamarhi P.S. Case No. 725 of 2020 for the offence punishable under Sections 414, 420 and 120B of the Indian Penal Code and Sections 30(a), 36 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

3. The prosecution case, in brief, is that altogether 206 litres of illicit liquor was recovered from a vehicle bearing Registration No. BR01Y9742 while the vehicle was parked in front of saw mill of one Bishambhar Prasad.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner was granted bail vide order dated 03.12.2021 passed in Cr. Misc. No. 27078 of 2021 in connection with Sitamarhi P.S. Case No.725 of 2020, but bail bond of the petitioner was not accepted by the court below on account of incorrect statement made in Para-3 of the bail application regarding criminal antecedent of the petitioner. Thereafter, the case was listed under the heading “to be mentioned” and by the order dated 25.01.2022 an enquiry was ordered for making incorrect statement in Para-3 of the bail application. The Cr. Misc. No. 27078 of 2021 was dismissed as withdrawn vide order dated 30.11.2022 with a liberty to the petitioner to avail appropriate remedy. The learned counsel further submits that in the present bail application, the petitioner has not suppressed any fact or criminal antecedent, which are pending against him and to that respect a statement has specifically been made in Paragraph No.3 of the present bail application. Petitioner is in custody since 25.12.2020.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the nature of allegation made against the petitioner as well as the fact that the petitioner was already granted bail vide order dated 03.12.2021 passed in Cr. Misc. No.



27078 of 2021, this Court finds that the petitioner has, prima facie, made out a case to be released on bail.

7. Let the petitioner, above named, be released on bail on similar terms and conditions as contained in order dated 03.12.2021 passed in Cr. Misc. No. 27078 of 2021.

8. The bail application, accordingly, stands disposed of.

(Purnendu Singh, J)

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