

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29450 of 2023

Arising Out of PS. Case No.-72 Year-2023 Thana- DIDARGANJ District- Patna

SUNNY KUMAR @ BINOD KUMAR SON OF KRISHNA KUMAR
CHAUDHARY RESIDENT OF VILLAGE- MOHIUDDIN NAGAR, PS-
MOHIUDDIN NAGAR, DISTT- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Didarganj P.S. Case No. 72 of 2023 registered for the
offences punishable under Section 30(a), 36, 32(ii) (iii) and
41(i) (ii) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 27.750 litre foreign liquor was recovered from the bus in
question and petitioner is apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody 01.03.2023 and bears no criminal
antecedent. He further submits that petitioner is quiet



innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner.

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, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Learned Exclusive Special Judge, Excise, Patna City in connection with Didarganj P.S. Case No. 72 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife of 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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