

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35277 of 2023

Arising Out of PS. Case No.-33 Year-2021 Thana- NADI P.S. District- Patna

Sunil Kumar @ Sunil Bhardwaj S/O Late Kalyan Sharma R/O Village-
Noorpur, P.S- Gulati, Distt.-Bulandshar, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madan Mohan

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 02-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under Sections 420, 467, 468, 471, 34 of the Indian Penal Code and Section 30(a), 36 and 41(i) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 4412 liters of illicit liquor from a Truck bearing Reg. No.BR-21C-6239.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. The petitioner is not named in the F.I.R. He has falsely been implicated in this case. His name has been added in the present case after more than a year of lodging the F.I.R. He has no concern with the alleged recovery or with the vehicle in question. The name of the petitioner has been disclosed in this case on the



basis of confessional statement of co-accused Surmkh and Naresh Chhabra before the police which has got no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. The other co-accused namely Gaurav Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 16.12.2021 passed in Cr. Misc. No. 58500 of 2021. The petitioner is languishing in judicial custody since 19.04.2023

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Excise Court, Patna City in connection with Nadi P.S. Case No. 33 of 2021.

(Sunil Kumar Panwar, J)

lata/-

U		T	
---	--	---	--

