

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34493 of 2023

Arising Out of PS. Case No.-72 Year-2023 Thana- HARLAKHI District- Madhubani

SUNIL KUMAR S/O GANESHI PASWAN R/O Village- Izra, P.S- Rahika,
Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with Harlakhi P.S. Case No. 72 of 2023 lodged on 25.03.2023 under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, the petitioner has been apprehended by the police upon chase and total recovery of 765 litres of wine are there.

4. Learned counsel for the petitioner submits that there are total 5 accused persons in the FIR. Admittedly, from the contents of the FIR, it transpires that the said recovery was made from a bamboo orchard and not from the possession of the



petitioner. He further submits that the petitioner is in custody since 25.03.2023 and apart from the present case, he is accused in three other criminal cases, but in all the three cases he has been granted bail. He further submits that other co-accused namely, Ankit Yadav @ Nagendra Yadav Nawal Yadav @ Naval Yadav has been granted regular bail by a co-ordinate Bench of this Court vide order dated 25.05.2023 and the chargesheet has already been submitted in this case.

5. Learned counsel for the State vehemently opposes the prayer for bail of the petitioner and submits that the case of co-accused Ankit Yadav is different from the case of the present petitioner. Apart from the present case, co-accused Ankit Yadav has only one antecedent whereas the present petitioner has three antecedents, therefore, he prays that at the time of considering the bail application of the petitioner his antecedents may also be taken into consideration.

6. In view of the aforesaid facts and circumstances, I am not inclined to grant regular bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner in connection with Harlakhi P.S. Case No. 72 of 2023 (G.R. No. 471/2023), pending before the learned 2nd Additional Sessions Judge -cum-Special Judge Excise Act, Madhubani is hereby



rejected.

8. However, the petitioner would be at liberty to renew the prayer for bail after framing of charge. The trial Court is directed to release the petitioner on bail after framing of charge on its own conditions so that the petitioner may not evade appearance on the date fixed.

9. With the above observation, the bail application stands disposed of.

(Dr. Anshuman, J)

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