

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49524 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- SARAI District- Vaishali

Sunil Kumar Singh @ Sunil Basera S/O Shri Shyamjee Singh R/O Village-
Askaranpur Boaria, Ps. Sarai, Dist. Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 25.06.2023, in connection with Sarai P.S. Case No. 138 of 2023, F.I.R. dated 20.05.2023 registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code and Sections 30(a), 32, 36, 41(i) (ii) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 4752 litres of illicit liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of disclosure made by co-accused persons and nothing



has been recovered from the conscious possession of the petitioner rather recovery has been made from the six vehicles in question and the petitioner has no concern at all with the alleged recovery of illicit liquor or the vehicles in question and the petitioner is neither the driver nor the owner of the vehicles in question. The petitioner is in custody since 25.06.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail.

6. Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioner, let the petitioner, above named, be released on bail, **after framing of charge**, 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, Prohibition and Excise Court (Second)-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Sarai P.S. Case No. 138 of 2023, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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