

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52332 of 2023

Arising Out of PS. Case No.-321 Year-2023 Thana- GAURICHAK District- Patna

SAHIL KUNDU SON OF BHAGAT SINGH RESIDENT OF V.N. -130,
VIKAS NAGAR, GALI NO. 8, MURTHAL ROAD, PS- KOTWALI,
SONIPAT, DIST- SONIPAT, HARIYANA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2023 Heard the parties.

The petitioner is an accused in connection with Gaurichak P.S. Case No. 321 of 2023 registered for the offences under sections 30(a), 32(2)(3), 36 and 41(1)(2) of the Bihar Prohibition and Excise Act lodged on 01.06.2023 by the informant, Ram Mohan Singh.

As per the prosecution story, the police during patrolling intercepted a goods carrier and recovered/seized 429.84 litres foreign liquor. The person arrested informed that it belongs to Anil Kumar, Rajesh and Deepak. Accordingly, the FIR.

The case of the petitioner is that he had no role to play in the matter nor it was recovered from his conscious



possession, it belong to the aforesaid accused persons, he is innocent and remained in custody since 30.06.2023 (as stated in paragraph 9 of the bail application), do not have knowledge about presence of the said prohibited liquor in the vehicle.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the submissions put forward by the learned Counsel for the petitioner, his period of custody and further he do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Judge of Excise, Patna City in connection with Gaurichak P.S. Case No. 321 of 2023, subject to the following conditions-:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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