

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50519 of 2023

Arising Out of PS. Case No.-271 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

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SUNIL KUMAR @ SUNIL BHARDWAJ @ SUNIL KUMAR SHARMA
S/O Late Kalyan Sharma R/O Village- Noorpur, P.S- Gulati, Distt.-
Bulandshahar, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivanand Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-08-2023 Heard the parties.

The petitioner is an accused in connection with Begusarai Town P.S. Case No. 271 of 2022 registered for the offences under section 120 (B) of the Indian Penal Code and sections 30(a) and 32(2) of the Bihar Prohibition and Excise Act lodged on 10.05.2022 by the informant, Varun Kumar.

As per the prosecution story, a mini truck was intercepted and recovered/seized altogether 1604.475 litres of Indian made foreign liquor, the driver tried to escape but was apprehended. Accordingly, the FIR.

It is the case of the learned Counsel for the petitioner that he is a driver having no knowledge of the said presence of the illicit liquor. Further, has already suffered by being in



custody since 25.02.2023 (as stated in paragraph 6 of the bail application) and further some of the co-accuseds have since been extended the privilege of bail by co-ordinate benches vide Cr. Misc. No. 36156 of 2023 (Dorjee Phuntso Khirme) and Cr. Misc. No. 62276 of 2022 (Niraj Kumar and Ors.).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has criminal antecedents of more than half a dozen.

Considering the facts that he is not the owner of the vehicle, has remained in custody since 25.02.2023 and some of the similar placed co-accuseds have extended the privilege of bail, this Court also 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 Excise Judge-I, Begusarai in connection with Begusarai Town P.S. Case No. 271 of 2022, 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 month for next one year 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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