

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57636 of 2023**

Arising Out of PS. Case No.-15 Year-2022 Thana- BIKRAM District- Patna

Sukhbir Singh @ Sanny Son Of Gurucharan Singh Resident Of Village-Tej Colony, Ward No.-13, Samana, P.S.-city Samana, District-Patiala (punjab)-147101

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 05-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 14.06.2023 in connection with Special Case Excise No. 54 of 2022 arising out of Bikram P.S. Case No. 15 of 2022, F.I.R. dated 10.01.2022 for the offences punishable under Sections 414, 420, 467, 468, 471 read with Section 34 of the Indian Penal Code along with Sections 30(a), 32(ii)(iii), 36 and 41(i) (ii) of Bihar Prohibition and Excise Act.

3. According to prosecution case, recovery of 5726.61 liters of illicit liquor has been made from the vehicle in question.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the



present case and the name of the petitioner has been transpired merely on the basis of disclosure made by the co-accused person who happens to be driver of the vehicle in question. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner and the petitioner was not apprehended from the spot. He further submits that except the confessional statement of co-accused person, nothing has come during the investigation to suggest the involvement of the petitioner in the present occurrence. The petitioner is in custody since 14.06.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedent other than the present one but fairly submits that the petitioner is on bail in both these cases.

6. Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner and petitioner was not apprehended at the spot, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Danapur, in connection with Special Case Excise



No. 54 of 2022 arising out of Bikram P.S. Case No. 15 of 2022,
subject to the following conditions:-

i. 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.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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 antecedent, 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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