

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54047 of 2023

Arising Out of PS. Case No.-170 Year-2023 Thana- JADIA District- Supaul

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SUNIL KUMAR @ SUNIL KUMAR YADAV S/O NARAYAN YADAV R/O
VILLAGE- THAKUR BARI WARD NO. 5, PS. JADIA, DIST. SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Prakash Shrarma, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Jadia P.S. Case No. 170 of 2023 (Sessions Trial No. 736/2023) registered under Sections 30 (a) of the Bihar Prohibition and Excise Act, 2018 lodged on 24.06.2023 by the informant, Raju Kumar.

As per the prosecution, the allegation is that during patrolling, on secret information, the Patna raided the house of Sunil Kumar, apprehended him as also Mithlesh Kumar and in the presence of witnesses, checked the tempo which was present at the door of Sunil Kumar and 301.68 liters of foreign liquor was recovered/seized. Accordingly, the FIR.

It is the case of the petitioner that he has nothing to do



with the tempo, the house is a joint one and nothing has been recovered from his conscious possession, does not own the said Tempo, is in custody since 24.06.2023 (as stated in paragraph -17 of the petition) and do not have criminal antecedent.

Learned APP for the State opposes the prayer for bail.

Taking into account the facts that the petitioner do not have criminal antecedent, the alleged recovery is from the tempo which does not belong to him and the recovery is from the joint house, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exsclusive Special Excise Judge No. 1, Supaul in connection with Jadia P.S. Case No. 170 of 2023 (Session Trial No. 736/2023 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/her *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/her 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.

(Rajiv Roy, J)

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