

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66368 of 2023

Arising Out of PS. Case No.-191 Year-2023 Thana- SHEOHAR District- Sheohar

SUNIL KUMAR Son of Madan Kumar @ Madan Rai R/o vill - Sundarpur
Kharauna, P.S. - Sheohar, Distt. - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Opposite Party/s : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-10-2023 Heard Mr. Arun Kumar, learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Sheohar P.S. Case No. 191 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation against the petitioner is of involvement in the trade of illicit liquor. On raid, conducted in the house of the petitioner, allegedly 724.68 litres Indian made foreign liquor was recovered. On noticing the police party, one person succeeded in fleeing away and the person who had fled away was subsequently identified as the petitioner.

4. It is submitted on behalf of the petitioner that the



alleged recovery has been made from the joint house of the petitioner which is owned by the apprehended co-accused Niraj Kumar and the petitioner has no concern with the portion from where recovery has been made. He further submits that only because of the past three criminal antecedents, his name has been implicated in this case, though in all the cases, the petitioner is already on bail. He further submits that there are other infirmities in the search and seizure, as the copy of the seizure list has not been handed over to any of the family members. He lastly submits that the petitioner undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the joint family house which is owned by his brother, coupled with the infirmities in search and seizure, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/-



(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, Sheohar in connection with Sheohar P.S. Case No. 191 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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