

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71087 of 2022

Arising Out of PS. Case No.-244 Year-2022 Thana- BHAGWANPUR District- Vaishali

SUNIL KUMAR Son of Late Bhagyanaryaan Sah Resident of Village-
Tengrari, P.S.- Siwaipatti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar, Advocate

For the Opposite Party/s : Mrs.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-02-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Bhagwanpur P.S. Case No. 244 of 2022, registered for the offences punishable under Sections 420, 467, 468 and 120(B) of the Indian Penal Code and Sections 30(a), 32(i)(ii), 36 and 41(i)(ii) of the Bihar Prohibition and Excise Amendment Act, 2018.

The allegation is regarding police having apprehended a truck and on search huge quantity of illicit indian made foreign liquor was recovered. The driver of the said truck, namely, Pragat Singh was apprehended and he had disclosed that the



liquor was to be delivered to four persons and one of them is the petitioner herein, whereafter he had given their mobile numbers and on the said basis the other four accused persons have also been implicated in the present case.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 20.10.2022. The learned counsel for the petitioner has further submitted that the petitioner is an accused in four other cases but is on bail in all the said cases. The learned counsel for the petitioner has also submitted that merely upon the disclosure made by the driver of the truck in question, the petitioner has been falsely implicated in the present case, whereas, on the contrary, the fact is that neither any illicit liquor has been recovered from the conscious possession of the petitioner nor the truck in question belongs to the petitioner.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that neither the truck in question belongs to the petitioner nor any illicit liquor has been recovered from the conscious possession of the petitioner, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to 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 learned Exclusive Special Excise Court No.1-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 244 of 2022.

(Mohit Kumar Shah, J)

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